January 5, 1953

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. NICHOLS

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During the course of my conference with Mr. Herbert Brownell on December 30, 1952, at General Eisenhower's headquarters, I advised Mr. Brownell that I was leaving that day at noon to see Governor Dewey at Albany at the Governor's request. Mr. Brownell advised me that he knew what Governor Dewey desired to discuss with me, namely, Mr. Harry Anslinger, Commissioner of Narcotics. Mr. Brownell stated that Governor Dewey was quite disturbed about Anslinger and Anslinger's statements over a period of years associating Governor Dewey with Lucky Luciano. He stated Governor Dewey was desirous of having Mr. Anslinger relieved of his position as Commissioner of Narcotics and he, Governor Dewey, was desirous of discussing this matter with me. Mr. Brownell stated there had been received at General Eisenhower's headquarters very strong recommendations to retain Mr. Anslinger and that he, Mr. Brownell, would want further information upon this matter as he would have to talk with Mr. Humphrey, Secretary of Treasury-designate, about this problem.

Mr. Brownell also informed me that he would be in Washington on January 12, to be admitted to the Supreme Court, and would return to Washington on January 16, permanently, as there was a meeting of the new Cabinet to be held that day. Mr. Brownell stated he had taken an apartment at Lee House and I offered to have installed for him a direct telephone which would not go through the switchboard at Lee House and also have installed the necessary device to protect this phone from interference. (Upon conclusion of my conversation with Mr. Brownell, I phoned Mr. Ladd and asked that such a phone be installed.)

Mr. Brownell inquired of me as to what I thought about Fred Mullen, Director of Public Relations now in the Department, as he had been urged to retain Mr. Mullen. I told Mr. Brownell our relations with Mr. Mullen in the FBI had been satisfactory; that he had covered the Department for United Press prior to his appointment as Director of Public Relations, and that he seemed to have done a satisfactory job for the present Attorney General. I told Mr. Brownell that I would have a memorandum prepared from our files upon Mr. Mullen and that same would be forwarded to him. (I would like to have Mr. Ladd see that this is done so that Mr. Brownell may have the benefit of what information is in our files concerning Mr. Mullen.)

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Mr. Brownell discussed with me the case of Mr. Arthur Vandenberg. I told Mr. Brownell that I had discussed the matter with General Eisenhower before seeing him that same morning. Mr. Brownell indicated that I should communicate with Mr. Vandenberg and inform him that if his health was such that he could not go forward with carrying the responsibilities at the White House, that, of course, the Bureau would discontinue its investigation. (I conveyed these instructions to Mr. Nichols by telephone the same day that I talked with Mr. Brownell.) Mr. Brownell stated that after this message was conveyed to Mr. Vandenberg, he, Mr. Brownell, would then communicate with Mr. Vandenberg and find out what his plans were so that a final decision could be made of his case.

Very truly yours,

J. Edgar Hoover

John Edgar Hoover
Director

JEH:mpd

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FOLKSY FAREWELL GIVEN BROWNELL

Gramercy Park Group Stages Party for Neighbors Who Are Going to Washington

By EDITH EVANS ASBURY

A folksy group of Gramercy Park neighbors threw a farewell party last night for one of their number who is departing to take a new job in Washington.

They wished their neighbor well, thanked his wife for the improvements she had made in the neighborhood, urged their four children to come back often for visits and swapped jokes about politics.

It was a party more likely to have occurred in Herbert Brownell's native Nebraska or Doris Brownell's Texas than in Manhattan.

Nothing in the friendly, informal atmosphere in the Gramercy Park Hotel room where the party was held hinted that the guest of honor was so high in the councils of the Republican party that he had been credited with maneuvering the nomination of the next President of the United States and was about to be entrusted with the Attorney Generalship of the nation.

True, Henry Bruere, one of the trustees of Gramercy Park, predicted that the name "Herbert Brownell" would some day be worthy of gracing one of the gates of the park, along with those of Edwin Booth, Samuel J. Tilden, Peter Cooper, Abraham Hewitt, Samuel F. B. Morse and "other great figures who lived here."

Sanctuary Promised

But Edwin F. Chinlund, president of the Gramercy Park Association, cautioned against too much elation over their neighbor's success and promised Mr. Brownell the sanctuary of Gramercy Park no matter what happened in Washington.

"When the going gets rough in Washington remember that even though you no longer have a key to Gramercy Park you can knock on any door around here and borrow a key and go into the park to meditate and get a sense of balance," Mr. Chinlund told the Attorney General-designate.

And to the neighbors he said: "There's been a lot of elation around here. When either Ike or Herb make their first mistake, be a little generous with them and remember they're only human."

The program, if such it may be called, culminated in the presentation of a silver tray inscribed "To Doris and Herbert Brownell with best wishes from your neighbors in Gramercy Park."

"Up to this time, everything is on spec," Mr. Brownell told the group, "but we were brave enough to put the house up for sale."

After the laughter died down he described in a chatty manner just how and when he and his family were going to leave their old friends, among whom they have lived for the last twelve years.

To Leave Jan. 16

"We're going to leave the 16th," he said. "That gives the children a couple of weeks more in school."

"There were suggestions," he added, with a significant look toward the four children lined up in chairs against the wall, "that maybe the whole month could be taken off."

"We're going to house hunt after we get there," Mr. Brownell confided. "And going out to buy the proper equipment for the morning of the 20th, to see Ike sworn in. That night we'll go to the Inaugural Ball to meet some of our friends around the country and I hear there will be plenty there, they're crowding in by the thousands."

His hundred old friends listened avidly as he went on to explain the steps yet to be taken before he actually cinched the new job.

"And then, after I'm sworn it," he said, "I'm on my own, and all you have to do is read the headlines in the morning papers to see what we are faced with."

Those in the room who recalled how the young Nebraskan, new to New York, tackled the Tammany tiger in its own lair little doubted the departing neighbor's ability to cope with whatever Washington held.

They minded how he had won his first political office just twenty years ago as Republican State Assemblyman from the old Tenth Assembly District, where Tammany Hall itself stood, only a few blocks around the corner from the scene of last night's farewell party.

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The New Cabinet:

Attorney General Brownell

Found Work Is Key to Politics

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Date: JAN

78 JAN 26 1953

By George Kennedy
Star Staff Correspondent

NEW YORK, Jan. 9.—Herbert Brownell, the Attorney General-designate, is a cheerful sort of a person to call on, especially early in the day.

His office windows in Lower Manhattan overlook the Hudson

Third of a Series.

and big ships, freighters and passenger liners are constantly passing by.

This is quite fitting because the specialty of his firm is admiralty law.

"The view is wonderful here," he said, "I sort of hate to give this office up. I've had it a long time."

Mr. Brownell radiates an unspoken optimism and confidence. In fact, he seems to be a happy man.

He gives the appearance of being smaller than his dimensions which are quite respectable —5 feet 10 inches, 150 pounds. Probably that's because his bald brow is of the peaked rather than the round or the flat topped type.

When his interviewer told him that he somewhat resembled a Democrat of recent fame, he laughed.

"You know," he said, "at the Gridiron party in Washington in December, one of the newspapermen got into a conversation with me that took puzzling turns until I realized he thought he was talking to Gov. Stevenson."

Dean's Picture on Wall.

The office is in the old law firm of Lord, Day & Lord in the Cunard Building at 25 Broadway. The Cunard Line is one of the firm's clients. There are a few small colored engravings on the wall of early American scenes, Washington with the Capitol unfinished and the campus of Yale College before the Civil War among them. The place of honor is occupied by a picture of Judge Thomas W. Swan of the United States Court of Appeals for the Second Circuit who was Mr. Brownell's dean at Yale Law School.

Mr. Brownell leaned back in his chair and talked freely about the past but was a little guarded about details in the movement to make Gen. Eisenhower President which the newspapers have not yet been able to record for history.

While he was talking a call came in from Gov. Sherman Adams, the general's close adviser, and the conversation took a turn that seemed confidential. His interviewer offered to withdraw,

"Stay right there," he said and made no reference to the matter when he hung up the telephone.

"You know," he said in telling about his political career, "I had no idea that I would ever go to Washington after 1948."

He managed the Dewey campaign of that year that seemed so successful until the votes were counted.

Under Tremendous Pressure.

The telephone rang again, but he told Miss Harriet McCarthy, his secretary who has been with him for almost 20 years, that he would take no more calls.

Mr. Brownell has been under tremendous pressure since his return from the Pacific. While he was out there with Gen. Eisenhower, Senator Taft, in his protest against the appointment of Martin P. Durkin as Secretary of Labor, let the cat of the bag that Mr. Brownell had been handling the top level appointments.

That increased the pressure. Mr. Brownell has been dividing his time between his law office and the Eisenhower temporary offices in the Hotel Commodore, which doesn't give him enough time at either. But still he succeeded in giving the impression of being unhurried in telling the story of his political career.

His interviewer had gleaned the skeleton of the story by talking to others. Mr. Brownell filled in the details. Strangely, he could not remember the incident that was the real start of the story, the first time he met Thomas E. Dewey. It must have been about 1927, he said, and probably at a meeting of the New York Young Republican Club, because they were both members.

Nineteen twenty-seven was a wonderful year for a young man of promise starting out in New York. Mr. Brownell was graduated in that year from Yale Law School, where he had been editor of the Law Review. The editorship goes to a student whose fel-

Became most famous in one of the Selective Service cases re our [illegible]. Brownell spoke to me about it —

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lows think has the best grasp of that body of knowledge which was handed down by Coke and Blackstone. That distinction got him a job with the famous firm of Elihu Root, Clark, Buckner & Ballantine Root.

The city rang with the sound of riveting hammers as towers on the serried skyline rose to new heights. General Motors advanced $5 a share on good days, slipped $2 on bad ones. Jules Bledsoe was singing "Old Man River" in a new musical called "Show Boat." Calvin Coolidge was in the White House. Another World War within two or three generations was unthinkable and Herbert Brownell was 23.

One Fly in Ointment.

There was one fly in the ointment for the ambitious young man from the Middle West and other newcomers to the city who were Republicans. They liked New York, their jobs were in New York and they made their homes in New York. But Tammany seemed as strongly entrenched in Manhattan Island as the Communist Party is in the Kremlin. It would seem that remaining Republicans meant foregoing political careers, but, being good Americans they remained true to the party of their parents.

The Stock Market crashed, the riveting stopped, great financial institutions failed and a little later something altogether unconnected happened which caused a rent in the walls of that old political temple of Manhattan, Tammany Hall.

Inconsiderate gunmen held up a dinner given by a Democratic club in honor of one of New York's magistrates or judges of the lower courts. It was all a mistake. Within a few hours most of the money was returned to the diners. But it led to publication of the guest list, which included several criminals, and public realization that something was wrong with the courts. By the fall of 1930 the Seabury investigation, from which Tammany Hall has never recovery, was under way, and the ambitious young Republicans became determined to demonstrate that Tammany was not invincible.

Herbert Brownell was one of them; Thomas E. Dewey another. Both were living in the 10th Assembly district, a heterogeneous slice of midtown New York that included part of Greenwich Village, Murray Hill (where John Pierpont Morgan lived in a splendid relic of the mid-19th century, a huge brownstone mansion), Union square, which was the location of both the Communist headquarters, and Tammany Hall, the garment district and the theatrical district. They and a lot of other young Republicans decided to show in the 10th what could be done in New York.

Two Exceptions to Rule.

The Assembly district is the basic unit in New York City politics. Each district has a Tammany club and a Republican club. At the time the Republican clubs could hardly be called rivals. Most of the Republican district leaders (the district leader is the head man of the club, Democratic or Republican) were content to lie down and eat the little meat on the bones that the Democratic leader slipped under the table.

There were two exceptions to this in Manhattan. One was the 15th Assembly district, the "Silk Stocking District" gerrymandered to take in all the abodes of the wealthy just east of Central Park—Fifth avenue, Park avenue and the blocks of the numbered streets "just off Fifth." The other was the sixth Assembly district, an old area in the Lower East Side, where the Republican leader was a remarkable man named Sam Koenig.

There were a lot of distinguished Republicans living in Manhattan, George W. Wickersham, Charles D. Hilles and others high in the party councils. But there was no one who could carry a typical New York district except Sam Koenig.

On election nights the wealthy Republicans and the zealous amateurs used to gather at headquarters to watch the returns come in. The party would go down to dismal defeat in district after district except for the

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wealthy Fifteenth and the [illegible]azing Sixth.

"How do you do [illegible] they would ask Sam Koenig of the Sixth.

"Work," was his answer.

Decided To Go To Work.

Mr. Brownell and Mr. Dewey decided that work would do it in the 10th. They found there were a lot of young Republicans living in the district, mostly out-of-towners like themselves. It was quite the thing to live in Greenwich Village, in the converted stables in the mews, or alleys, behind Washington Square or in walk-up apartments in the mansions about Gramercy Park, Stuyvesant place and Murray Hill.

Mr. Dewey became Mr. Brownell's manager. At that time (1931), it is quite evident that Mr. Dewey thought Mr. Brownell, his junior by two years, was the one with the political future. Mr. Dewey was then an assistant United States attorney.

They had several hundred volunteer workers. They divided the area and deployed their forces. They actually rang doorbells, an old technique which was thought no longer possible in New York because of the tremendous population.

Their opponent was Langon Post, scion of an old Knickerbocker family and a graduate of St. Mark's and Harvard. He was interested in the theater, an industry which had encountered some difficulty when police, on the orders of the Tammany administration, had raided a play dealing with homosexualism, a forbidden subject. Mr. Post put a bill through the Assembly protecting actors from being hauled away in the paddy wagon. Mr. Post's attitude was that of the liberals of those days of prohibition and Blue Law revival. It did not count against him. He defeated Mr. Brownell.

But in the following year Mr. Post was in difficulty, both with Tammany Hall and the reformers. Tammany scratched him for voting for the Seabury investigations; the reformers charged him with voting against an appropriation to further the investigation. This time Mr. Brownell, with Mr. Dewey still his manager, won.

Five Terms in Legislature.

Mr. Brownell served five terms in the Legislature. It was a part-time job. In those same years he was advancing in the law. He went to work for his present firm and soon became a partner.

That was Mr. Brownell's political education. Tammany Hall, embarrassed by losing its home district, tried to wrest it from him with all the power that it could muster. But he beat the Hall every time and the district (now the [illegible]) as a result of redistricting [illegible] Republican.

In the [illegible] years, Mr. Dewey was becoming famous. He convicted Waxey Gordon, a beer baron, on income tax violation, and, as special rackets prosecutor forced Lucky Luciano to transfer his residence from the Waldorf Astoria to Sing Sing. In 1937 he was elected district attorney of New York County (Manhattan Island).

In 1938, Mr. Dewey went out for Governor and Mr. Brownell managed his campaign. It was then that the triumvirate of Edwin Jaeckel of Buffalo, Republican State leader; Russell Sprague, Nassau County leader, and Mr. Brownell was formed for the political advancement of Mr. Dewey. The White House was the goal.

Mr. Dewey lost to Gov. Herbert H. Lehman by only 50,000 votes—a photo finish in New York.

Almost Won Nomination.

The triumvirate went to Philadelphia in 1940 to get the presidential nomination for their man. Mr. Brownell says his was a minor assignment, to get the Nebraska delegates. He got them. They almost copped the nomination for their man. They stopped Senator Taft, but Wendell Willkie was the beneficiary.

Mr. Dewey won the governorship of New York in 1942 over John J. Bennett of Brooklyn by more than 600,000 votes. Again Mr. Brownell was his manager.

Mr. Brownell was counsel for the National Hotel Association which enabled him to travel the country advising hotel men on financial and legal problems and always working for Tom Dewey by lining up delegates. He did so well that Mr. Dewey captured the 1944 nomination on the first ballot. But President Roosevelt won the election easily on the crest of the success of American arms in Europe.

Mr. Brownell was Mr. Dewey's convention manager again in 1948. Again he put his man over, this time against a strong bid by Senator Taft. Every one admiringly said that the Republican campaign that year, which Mr. Brownell managed, was the best run in history. The Dewey "Victory Special" rolled across the continent. The staff work was wonderful. Everything went like clockwork. But on Tuesday, No-

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vember 2, the voters chose President Truman.

On Wednesday, November 3, Herbert Brownell had every reason to believe he was through with politics.

In the Brownell-Dewey relationship it is interesting to note that Mr. Brownell never worked for Mr. Dewey except in volunteer assignments, managing campaigns. He never accepted any of the positions Mr. Dewey had to offer as rackets buster, district attorney and Governor. And it is proof of Mr. Brownell's reputation of being "easy to get along with" that he is just about the only early associate of Mr. Dewey's who is still intimate with him. There was no rupture of the friendship, even the hurt of unexpected defeat.

Selected to Go to Paris.

But ever since Mr. Dewey declared for Gen. Eisenhower in October, 1950, Mr. Brownell has been working for the general. Last March, right after the New Hampshire primaries, the little group working for the Eisenhower nomination, Mr. Dewey, Senator Lodge, Senator Duff, Gov. Driscoll, Gov. Adams and Gov. Thornton, selected Mr. Brownell for a most important assignment. He was sent to Paris to explain the situation so the general would come home before the convention.

"No, I didn't tell the general he had better come home," Mr. Brownell said when asked about that part of the story. "You don't tell the general. Nobody tells him now. I merely explained the situation to him. He was very interested and I gave him the picture as I saw it. ~~It State by State.~~"

The rest is history. Mr. Brownell went to Chicago before the convention and set up the Eisenhower headquarters. As he had done before, he showed himself to be a master at handling delegates. It was Mr. Brownell who arranged the "fair play" resolution (that disputed delegations should not vote on seating other disputed delegations). After the Eisenhower forces won a victory on that, it was all over except the tallying of the final score.

Mr. Brownell was born in Peru, Nebr., February 20, 1904. His father, a native of upstate New York, was teaching physics at a teachers' college there. When he was 6 years old his father became a professor of science at the State university at Lincoln. His father increased his income by publishing text books on science. Herbert Brownell was graduated cum laude and won his Phi Beta Kappa key at the university, then went to Yale for his law.

He married Doris A. McCarter of Galveston, Tex., in 1934. They have four children, Joan, 16; Ann, 13; Tom, 12, and Jim, 8.

Sunday: Arthur E. Summerfield, Postmaster General.

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NEW ATTORNEY GENERAL AND FAMILY—The Brownell family sits for a portrait after hearing that Mr. Brownell will be the new Attorney General. Left to right (front): Jim, 8; Mrs. Brownell and Tom, 12. Left to right (rear): Joan, 16; Mr. Brownell and Ann, 13.

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THE NEWS IS GOOD—This is how Mr. Brownell reacted when he heard he had been named Attorney General by President-elect Eisenhower. The picture was taken in his New York office.

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BRIEFING ON WHAT'S AHEAD—Mr. Brownell visits with Attorney General McGranery in December to get a briefing on the job he will be handling as a member of President-elect Eisenhower's cabinet. —Star Staff Photo and AP Photos.

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YOUNG ASSEMBLYMAN IN ACTION—Mr. Brownell, a member of the New York State Assembly in 1935, makes a vigorous plea to his fellow legislators for support in a feud with Harold Ickes, then Secretary of the Interior.

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Office Memorandum • UNITED STATES GOVERNMENT

TO : The Attorney General

DATE: January 21, 1953

FROM : Director, FBI

PERSONAL AND ~~CONFIDENTIAL~~

SUBJECT: INVESTIGATIONS OF APPOINTMENTS IN NEW ADMINISTRATION

The names of the following persons have been noticed in the press as having been appointed to the positions indicated. For your information, the records of this Bureau do not reflect that any request has been received to date to investigate these persons.

Winthrop W. Aldrich, Ambassador to Great Britain.

Robert Bernerd Anderson, Secretary of the Navy.

Joseph M. Dodge, Director, Bureau of the Budget.

H. Brian Holland, Assistant Attorney General, Tax Division.

Roderic L. O'Connor, Personal Assistant to Secretary of State John Foster Dulles.

Walter T. Ridder, Deputy Assistant Secretary of State in Charge of Foreign Information.

Lieutenant Colonel Robert L. Schulz, Military Aide, the White House.

Robert Ten Broeck Stevens, Secretary of the Army.

Harold E. Talbott, Secretary of the Air Force.

Charles S. Thomas, Secretary of the Navy.

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The following persons were mentioned as being members of the Interim Agricultural Advisory Committee:

D. W. Brooks
Harry B. Caldwell – sent 2/9
Homer Davidson
Robert R. Koker – dicon as [illegible] 12/27/[illegible]
Chris Millius
William Irving Myers
Henry T. McKnight
Albert Mitchell – sent 2/9
Harry J. Reed
Milo Swanton
Bert Wood

The A. G. desires all of these to be investigated,

J.

Investigation ordered [illegible]

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: January 22, 1953

FROM : L. B. Nichols

SUBJECT: ATTORNEY GENERAL's PICTURE

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When we arrived at the Attorney General's office, there were at least half a dozen press photographers present. They apparently had been there for some time, as I got around there at 20 minutes before 12 and had gotten our equipment in and set up to go when the press photographers complained to Mullen that they had been called for 11:45 and they had appointments to photograph the Vice-President at 12:30.

Mullen asked what I thought and I told him it was up to him. He said that he thought they should try to let the press photographers go in the Attorney General's little office, which was done.

In the meantime, Charles Humphries came in. The Attorney General and Humphries went off into the back room to talk.

When the Attorney General was finally ready to pose, after the group had gone into the dining-room, our pictures were taken with dispatch. I told the photographer to send the prints down in order that they may be submitted to the Director for approval.

cc: Mr. Holloman

LBN:hmc

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January 12, 1953

PERSONAL AND ~~CONFIDENTIAL~~
REGISTERED MAIL

Honorable Herbert Brownell, Jr.
140 East 19th Street
New York, New York

Dear Mr. Brownell:

In view of continuing statements by public officials appearing in the public press relative to the need of strengthening the Espionage Statutes, I thought you would be interested to know that on May 20, 1946, the Interdepartmental Intelligence Conference, then composed of the Director of the Federal Bureau of Investigation, the Director of the Intelligence Division of the Army, and the Director of Naval Intelligence, proposed certain measures to strengthen, through new legislation, the Espionage Statutes.

The recommendations of the Interdepartmental Intelligence Conference included amendments to existing Statutes to provide for the punishment of willful dissemination of any information deemed vital to the national defense; to penalize any individual for the failure to report the loss of any document or writing lawfully in his possession to his superior officer; to provide a penalty for the unlawful possession of any document or writing; and to recommend that the offenses described in clauses (D) and (E) of Title 50, Section 31, shall not be construed to require proof of any intent or reason to believe that the information obtained is to be used to injure the United States. Also included in the recommendations was an amendment to require the registration of any individual who has knowledge of or has received instruction in foreign espionage, counter-espionage or sabotage immediately upon entrance in the United States; to provide a penalty for the willful violation of regulations or orders respecting the protection or security of vessels, harbors, ports, or waterfront facilities by eliminating

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the provisions which called for the termination of the Statute six months after the cessation of hostilities of World War II, to provide a penalty for violation of the restrictions or orders with respect to persons entering, remaining in, leaving or committing any act in a military area including airports or airport facilities by providing that the Statute shall not terminate upon cessation of hostilities of World War II; to amend the Federal Communications Act of 1934 to permit the use in evidence of information obtained through intercepting telephone, radio, cable and wire communications; and to amend Title 50, Sections 31, 32, and 34, in order to make the death penalty the maximum for peacetime espionage as well as for wartime espionage. (66-6200-65-280)

Under date of January 14, 1949, the Attorney General transmitted to Congress the proposed bill incorporating a number of the above recommendations which bill was introduced on the floor of the Senate on January 18, 1949, by Senator McCarran as Senate Bill No. 595, 81st Congress, First Session. With the exception of the proposals to eliminate the statute of limitations for peacetime espionage and to amend the Federal Communications Act, the recommendations were substantially enacted in the Internal Security Act of 1950 which was passed September 23, 1950, by the 81st Congress. (66-6200-65-530)

There is presently pending in Congress a bill increasing the penalty for peacetime espionage to punishment by death or by imprisonment for not more than thirty years thereby making the penalty the same for violation of the Statutes in peace as in war, which would eliminate the statute of limitations for peacetime espionage. This amendment was introduced by Mr. Boggs on January 3, 1953, in H. R. 235, to amend Title 18, Section 794, U. S. Code. However, in connection with the Department of Justice legislative program for the 83rd Congress, proposed language has been submitted by the Attorney General to the Bureau of the Budget providing the penalty for espionage to be death or imprisonment for any term of years or for life.

Relative to violations of the Espionage Statute, my memorandum to you dated December 5, 1952, pointed out the current proposed legislation permitting the use of wire-tapping evidence. If such legislation is passed, this, of course, would be of material assistance in dealing with the espionage problem.

With expressions of my highest esteem and best regards,

Sincerely yours,

Edgar

~~SECURITY INFORMATION - CONFIDENTIAL~~

THE ATTORNEY GENERAL January 28, 1953

Director, FBI

"THE COMMUNIST PARTY LINE
AUGUST, 1952 - DECEMBER, 1952"

Herbert O. Brown II, Jr.

There is enclosed, as of possible interest, Copy No. 2 of the above-captioned document.

This monograph is a documented study of the line of the Communist Party, USA, for the period from August, 1952, through December, 1952. The sources are selected excerpts taken from the major Communist Party, USA, publications, the Daily Worker, The Worker, Political Affairs and Masses and Mainstream.

For your information, copies of this document are being made available to Honorable William P. Rogers, United States Department of Justice; Honorable James S. Lay, Jr., National Security Council; Mr. J. Patrick Coyne, National Security Council; Mr. John W. Ford, Department of State; the Assistant Chief of Staff, G-2; Director of Naval Intelligence; Director of Special Investigations, Air Force; Deputy Director, Plans, Central Intelligence Agency; Director, Central Intelligence Agency; Director, National Security Agency, Department of Defense and Director of Security, Atomic Energy Commission.

Enclosure

1 - Assistant Attorney General, Criminal Division
(with enclosure, Copy No. 2)

WCS:lng:dlg
DJS:nck

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~~SECURITY INFORMATION - CONFIDENTIAL~~

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JAN 26 1953
COMM-FBI

56 JAN 30 1953

January 13, 1953

PERSONAL AND ~~CONFIDENTIAL~~

Honorable Herbert Brownell, Jr.
140 East 19th Street
New York, New York

Dear Mr. Brownell:

There is attached for your information an up-to-date list of the names of all persons that we have been requested to investigate and which reflects the status of each case.

A copy of this list has been sent to Governor Sherman Adams.

With expressions of my highest esteem and best regards,

Sincerely yours,

Edgar

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Attachment
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REGISTERED MAIL - SPECIAL DELIVERY

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JAN 13 1953
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79 JAN 30 1953

January 13, 1953

INVESTIGATIONS REQUESTED BY HONORABLE SHERMAN ADAMS

NAME	STATUS
ADAMS, Sherman	Transmitted
ANDERSON, Samuel W.	Pending
BENEDICT, Stephen C.	Pending
BURGESS, Robert W.	Pending
BURNS, Lou	Transmitted
BURNS, Margaret Mary	Transmitted
CAFFREY, Mary Margaret	Transmitted
CLARK, William L.	Transmitted
COATES, Charles H.	Pending
CUTLER, Robert	Pending
DEAN, Catherine Charles	Transmitted
DUNN, Stephen F.	Pending
GODFREY, Arthur	Pending
GREEN, Edward J.	Pending
HAGERTY, James	Transmitted
HANNAH, John Alfred	Pending
HARLOW, Bryce	Pending
HARRINGTON, Alberta	Transmitted
HAUGE, Gabriel	Transmitted
HUGHES, Emmet John	Transmitted
JACKSON, Charles Douglas	Transmitted
JOHNSON, Robert L.	Pending
KAHLER, Genevieve	Pending
KIEVE, Robert	Pending
KYES, Roger M.	Pending
La FOND, Clarence H.	Pending
LAWTON, Frederick J.	Pending
LEMAN, Albert N.	Pending
LUCE, Henry, III	Transmitted
McCAFFREE, Mrs. Floyd	Pending
McCORMICK, Robert L. L.	Transmitted
MERSON, Martin	Transmitted
MINNICH, Lawrence Arthur	Transmitted
MISEROLL, Janet	Pending
MORGAN, Gerald	Pending
MURRAY, Robert Blaine, Jr.	Pending
NELSON, Mrs. Richard E.	Transmitted
RABB, Maxwell M.	Transmitted
SMITH, Alice	Transmitted
STAATS, Elmer B.	Pending
STAPLES, William D.	Transmitted
STEFFAN, Roger	Pending
STEPHENS, Thomas	Transmitted
SWEENEY, Edith	Pending
TALBOT, Caroline C.	Pending

62-78926-7

ENCLOSURE

INVESTIGATIONS REQUESTED BY HONORABLE SHERMAN ADAMS (continued)

NAME	STATUS
VANDENBERG, Arthur H., Jr.	Transmitted
VANN, Mrs. Robert L.	Pending
WASHBURN, Abbott	Transmitted
WATSON, Robert C.	Pending
WEAVER, Helen	Pending
WHITMAN, Ann Cook	Transmitted
WILLIS, Charles F., Jr.	Pending

INVESTIGATIONS REQUESTED BY HONORABLE EZRA TAFT BENSON

APLIN, Richard	Pending
BABBEL, Frederick W.	Transmitted
BENSON, Ezra Taft	Transmitted
BROADHEAD, Daken K.	Pending
BUTLER, Karl D.	Transmitted
COKE, J. Earle	Transmitted
COKER, Robert	Discontinued
CONNER, John Davis	Transmitted
DAVIS, John H.	Pending
FARRINGTON, Robert	Pending
FERGUSON, Clarence M.	Pending
GEYER, Kenneth	Pending
GORDON, Howard	Transmitted
HARDIN, Dr. Clifford	Discontinued
HAYCOCK, Arthur W.	Transmitted
LOOS, Karl D.	Transmitted
MORSE, True Delbert	Transmitted
PAARLBERG, Donald	Transmitted
TAPP, Jesse W.	Transmitted

INVESTIGATIONS REQUESTED BY HONORABLE HERBERT BROWNELL, JR.

BEAUDREAU, Robert Henry	Pending
BROWNELL, Herbert, Jr.	Transmitted
BURGER, Warren E.	Pending
JULIAN, Anthony	Pending
LUMBARD, J. Edward, Jr.	Pending
METZNER, Charles	Pending
OLNEY, Warren	Pending
PITZELE, Merlyn	Pending
RANKIN, J. Lee	Pending
ROGERS, William Pierce	Transmitted

INVESTIGATIONS REQUESTED BY HONORABLE MARTIN P. DURKIN

NAME	STATUS
DURKIN, Martin P.	Transmitted
GOLDEN, Clinton Strong	Transmitted
MASHBURN, Lloyd A.	Transmitted
MILLER, Spencer, Jr.	Transmitted

INVESTIGATIONS REQUESTED BY MRS. OVETA CULP HOBBY

HILL, Henry	Pending
HOBBY, Oveta Culp	Transmitted
HUNT, Harold Christian	Transmitted
McGRATH, Earl James	Pending
OBERHOLTZER, Kenneth Edison	Transmitted
THURSTON, Lee M.	Transmitted
WANAMAKER, Pearl	Pending

INVESTIGATIONS REQUESTED BY HONORABLE GEORGE M. HUMPHREY

ANDREWS, T. Coleman	Pending
BARTELT, Edward F.	Pending
BURGESS, Warren Randolph	Pending
FOLSOM, Marion B.	Pending
HUMPHREY, George M.	Transmitted
OVERBY, Andrew N.	Pending
PARSONS, William W.	Pending

INVESTIGATIONS REQUESTED BY HONORABLE HENRY CABOT LODGE

LODGE, Henry Cabot	Transmitted
McCARTHY, Francis	Transmitted

INVESTIGATIONS REQUESTED BY HONORABLE DOUGLAS McKAY

ERDAHL, C. A.	Transmitted
McKAY, Douglas	Transmitted
PETERSON, Val	Transmitted

INVESTIGATIONS REQUESTED BY HONORABLE NELSON ROCKEFELLER

EISENHOWER, Dr. Milton S.	Transmitted
FLEMMING, Dr. Arthur S.	Transmitted
FRENCH, John	Pending
PRICE, Donald K.	Transmitted
ROCKEFELLER, Nelson	Transmitted
STAUFFACHER, Charles H.	Transmitted

INVESTIGATIONS REQUESTED BY HONORABLE ARTHUR H. SUMMERFIELD

NAME	STATUS
ALLEN, John C.	Pending
HOOK, Charles	Transmitted
SUMMERFIELD, Arthur H.	Transmitted

INVESTIGATIONS REQUESTED BY HONORABLE HAROLD ELSTNER TALBOTT

GARDNER, Trever	Pending
SPRAGUE, Robert C.	Pending
WHITE, H. Lee	Pending

INVESTIGATIONS REQUESTED BY HONORABLE SINCLAIR WEEKS

HONEYWELL, Charles F.	Pending
RUMBOUGH, Stanley M.	Pending
WEEKS, Sinclair	Transmitted

INVESTIGATIONS OF SELF ONLY REQUESTED BY INDIVIDUALS

DULLES, John Foster	Transmitted
PRIEST, Ivy Baker	Transmitted
STASSEN, Harold E.	Transmitted
WILLIAMS, W. Walter	Transmitted
WILSON, Charles Erwin	Transmitted

Mr. Tolson
Mr. Ladd
Mr. Nichols
Mr. Belmont
Mr. Clegg
Mr. Glavin
Mr. Harbo
Mr. Rosen
Mr. Tracy
Mr. Gearty
Mr. Mohr
Mr. Winterrowd
Tele. Room
Mr. Holloman
Mr. Sizoo
Miss Gandy

DEPARTMENT OF JUSTICE

Washington, D. C.

January 22, 1953

G. I. R. -3

MEMORANDUM FOR ALL EMPLOYEES

Attorney General Herbert Brownell, Jr., entered on the duties of his office today, January 22. Mr. Brownell has appointed the following in his immediate office: Mr. Charles M. Metzner, Executive Assistant; Mr. Anthony G. Russo, Confidential Assistant; Miss Harriet G. McCarthy, Secretary, and Mrs. Irene White, Assistant Secretary.

The Attorney General desires to meet with all of you in the Great Hall. You will be advised later as to the time.

S. A. ANDRETTA
Administrative
Assistant Attorney General

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January 15, 1953

REGISTERED MAIL - SPECIAL DELIVERY

Honorable Herbert Brownell, Jr.
Attorney General
Washington, D. C.

Dear Mr. Brownell:

Enclosed is the January 14, 1953, issue of the Daily Summary Intelligence Digest, disseminated weekly to the Attorney General, the intelligence agencies and other interested Government officials.

Your attention is invited to the first item regarding inauguration of activities. In the event further information is developed you will be advised promptly.

With expressions of my highest esteem and best regards,

Sincerely yours,

Edgar

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ON 11-4-81

62-98585-1

INITIALS OF ORIGINAL

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JAN 15 1953

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Holloman
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STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: January 22, 1953

FROM : L. B. Nichols

SUBJECT: HERBERT BROWNELL

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At 10:10 a.m. this morning Fred Mullen called my office, advising Mr. McGuire that the Attorney General would like to have his picture taken at noon today and that the services of Mr. Hudgins, the Bureau photographer, were desired. If he is available, Mullen suggested that Hudgins be in Mr. Brownell's office a few minutes ahead of time at noon today.

Mullen was told we would check to see if Hudgins would be available.

Should the Director desire to have Mr. Hudgins do this, arrangements will be made for Hudgins to be there.

cc: Mr. Holloman
cc: Mr. Glavin

JJM:hmc

EX-107

RECORDED-21 62-98585-43

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STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: January 2, 1953

FROM : SAC, WFO

SUBJECT: HERBERT BROWNELL
ATTORNEY GENERAL

PERSONAL ATTENTION: MR. LADD

Mr. Tolson
Mr. Nichols
Mr. Belmont
Mr. Clegg
Mr. Glavin
Mr. Harbo
Mr. Ladd
Mr. Tracy
Mr. Laughlin
Mr. Mohr
Mr. Winterrowd

Re Bureau phone call December 30, 1952.

This will confirm my telephonic report to Mr. LADD on December 31, 1952, that a non-listed and non-published telephone has been installed on December 31, 1952, in the Robert E. Lee Suite at The Lee House, 15th and L Streets, N.W., which facilities will be occupied by the incoming Attorney General. The telephone number will be METropolitan 8-3093.

ALBERT PICK is the owner of this hotel, and the resident manager is EDWARD C. SHEEHE.

RBH:MCP

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62-98585-44

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The Attorney General

January 29, 1953

Director, FBI

~~CONFIDENTIAL~~

CONFIDENTIAL NATURE OF FBI FILES

I am enclosing a memorandum in which are incorporated the principal features pertaining to the captioned matter and which sets forth my position with respect thereto.

I thought you would be interested in the attached document and I am submitting it for your information and consideration.

Enclosure

2 cc - Mr. William P. Rogers ~~CONFIDENTIAL~~
Deputy Attorney General
(W/Attachment)

2 cc - Assistant Attorney General ~~CONFIDENTIAL~~
Criminal Division
(W/Attachment)

NOTE ON YELLOW ONLY:

Inasmuch as Mr. Olney has not at this date received Senate confirmation of his appointment as Assistant Attorney General, Criminal Division, the copy directed to him has not been designated for him by name in accordance with the suggestion of the Reading Room.

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6 FEB , 6 1953

COMM-FBI

January 29, 1953

-- DISCLOSURE OF CONTENTS OF FILES --

For many years the FBI has maintained the position of firmly and consistently opposing the disclosure of any documents and records to the Congress or to the Courts. To do otherwise would be prejudicial to the public interest and the nation's security. It is imperative that the confidential nature of FBI files continue to be regarded as inviolate.

By way of background, as a general proposition, Court decisions establish that information and documents considered confidential by heads of departments, in the public interest, may not be exposed to public view either in Court or to Congressional committees.

The principle on which these decisions are based is found in the Constitution, which vests the executive power in the President. As the responsible executive official of the United States, the determination of all executive questions is his in theory although, in fact, it is apportioned to heads of departments. It follows, therefore, that Congress, under the provisions of the Constitution, cannot direct heads of departments to produce for public examination any material which the President desires to maintain as secret, in the public interest. The President is the sole judge of that interest and is accountable only to his country and his conscience.

The Constitution prescribes certain functions to be performed by the three divisions of Government -- the legislative, the executive and the judicial. In discharging their duties, no one division may impose its unrestricted will upon the remaining two. Any one branch seeking to dominate the other would tend to disrupt the fundamental fabric and the essential unity of our Government.

-- HISTORICAL PRECEDENTS --

Historical precedents demonstrate that our Presidents have asserted vigorously the independence insured to the executive branch under the Constitution. Presidents have

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established that they and their Cabinet members have an undoubted privilege to maintain documents and information as confidential. In instances where the President has supported the refusal of a departmental head to divulge confidential information to Congress or its committees, the information has not been furnished. The public interest invariably was given as the reason for withholding the data. Heads of departments are subject to the Constitution, the laws enacted by Congress and to the discretion of the President; however, they cannot be directed by a Congressional committee in the exercise of discretion concerning the propriety of furnishing information.

The first recorded instance occurred in 1792 when a committee of the House of Representatives inquired into the causes of failure of an expedition of Major General St. Clair. To meet the situation, President Washington and his Cabinet members met and unanimously concluded discretion should be exercised by the President -- that he ought to communicate such papers as the public good would permit and ought to refuse those the disclosure of which would injure the public.

Additional representative illustrations are cited briefly below --

In 1796, the House presented President Washington with a resolution to produce documents relating to the negotiation of the Jay Treaty. In a message to the House, Washington refused by stating inspection of the papers requested could only properly be sought for impeachment purposes, which had not been expressed in the House resolution.

In 1909, the Senate Judiciary Committee informed the head of the Bureau of Corporations, Herbert Knox Smith, that, if he did not transmit certain documents in his possession, his imprisonment would be ordered. After reporting this development to President Theodore Roosevelt, he was ordered in writing to turn over to the President all papers in the case. President Roosevelt then informed the committee of his action, adding that the only manner in which they could procure the documents was through his impeachment.

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The President's own words on this occasion are noteworthy --

> "Some of these facts which they (the committee) want, for what purpose I hardly know, were given to the Government under the seal of secrecy and cannot be divulged, and I will see to it that the word of this Government to the individual is kept sacred."

The House Committee on Naval Affairs, in 1941, requested the FBI to furnish all reports and correspondence since June of 1939 concerning investigations arising out of strikes and labor disputes in industrial establishments having naval contracts. In reply, the Attorney General stated that the request was one of many received from Congressional committees, the number of which alone would have made compliance impracticable. In restating the policy of the department, the Attorney General advised it is the position of the department, restated with the approval of and at the direction of the President, that all investigative reports are confidential documents of the executive department of the Government and that Congressional or public access to them would not be in the public interest. The opinion of the Attorney General concluded that exercise of this discretion in the executive branch had been upheld and respected by the judiciary.

The President's letter of April 3, 1952, to the Secretary of State concerned requests of the Senate Appropriations Subcommittee for data regarding that department's loyalty-security program. The President stated if one department is required or permitted to supply information of the character requested, all other agencies of the Government would have to respond to similar demands from other sources. He expressed the conviction that if all executive agencies released information of this type the result would be to wreck the Federal Employees Loyalty Program. Accordingly, the President advised the Secretary of State not to furnish the information requested by the subcommittee for to do so would be clearly contrary to the public interest.

In extending this trend to the various departments of the executive branch, the heads of departments are authorized, by statute, to prescribe regulations for the government of their departments and the use and preservation of records. Under that law, the Attorney General issued Departmental Order #3229 on May 2, 1939, supplanting previous instructions. This order provides that all records of the Department of Justice are confidential and may not be disclosed other than in the performance of official duties except at the discretion of the Attorney General or those acting for him. Employees are instructed to decline to produce such records under subpoena duces tecum.

(Statute - 5 USC 22)

The cases of Ex parte Sackett (74 F.2d 922) and Touhy v. Ragen (340 U.S. 462) hold that issuance of this order was a valid exercise of the power of the Attorney General and places departmental records in his legal custody. The validity of the order was upheld by the Supreme Court on February 26, 1951, in the case of United States ex rel Touhy v. Ragen, cited above.

-- REASONS WHY CONTENT OF FBI FILES SHOULD BE KEPT CONFIDENTIAL --

It is highly desirable that all FBI records continue to be regarded as confidential insofar as possible in order that our serious responsibilities may be discharged promptly and effectively. Disclosure of information could lead to many embarrassing situations and would place obstacles in the path of our investigative endeavors. For example, disclosure of information not only would reveal the nature of investigative techniques employed but would compromise FBI informants and sources. Informants may be operating in sensitive or critical positions in subversive organizations, such as the Communist Party and allied front groups. Considerable delicacy and secrecy attend these operations and irreparable harm would be caused by even partial disclosure. It is conceivable that such action would place in jeopardy the lives of FBI informants. Certain informants have been developed and maintained with difficulty and at great risk. Replacement would be impossible, particularly in view of the rigid security measures adopted by subversive elements in recent years. Also, it is a cardinal tenet of law enforcement that, once the identity of an informant is revealed, his potential value is virtually destroyed.

For many years past, the FBI has represented to the American people that the organization would maintain confidences. Voluminous data has been acquired in accordance with that understanding. If disclosure thereof was permitted, persons would become reluctant to provide information of the type sought.

Investigative reports are prepared for official use only. When quoted out of context or when isolated bits of information are divulged, they could be used to thwart the truth and misrepresent the facts.

In addition, disclosure would serve as an effective means of warning potential law violators, enabling them to take steps to avoid detection or permitting them opportunity to flee the jurisdiction of the courts.

In 1942, the FBI forwarded to the Attorney General a memorandum of protest regarding the subject of making available to the Senate Judiciary Committee copies of FBI reports submitted upon applicants under consideration for judicial appointments. Information was developed reflecting cases in which persons interviewed subsequently informed the FBI that data furnished in confidence to FBI personnel had later come into the possession of other individuals and, in certain cases, was known to the applicant himself, causing embarrassment and bitter feeling. This situation, if permitted to continue, would result in the FBI's inability to obtain accurate information indicative of the true qualifications and character of applicants. (66-6200-77-116)

Again, the Coplon case of June, 1949, was a departure from the policy of maintaining FBI files confidential. Certain highly confidential files were made available to the defense counsel and became public knowledge. Considerable public discussion and controversy followed, which was particularly embarrassing to the FBI and which seriously impaired its counterintelligence operations.

Succinctly stated, disclosure of data in FBI files would present one or more of the following possibilities --

(1) Jeopardize the nation's internal security.

Unless otherwise noted, source of above information is 66-7225, 66-2389 and Brief and speech of 7-1-48 by Peter Campbell Brown, Executive Assistant to the AG, both of which are to be found in notebook entitled, "Is a Congressional Committee Entitled to Demand

and Receive Information and Papers from the President and the Heads of Departments which They Deem Confidential, in the Public Interest?" maintained in Mr. Ladd's Office.)

(2) Compromise FBI informants and sources.
(3) Uncover confidential investigative techniques.
(4) Weaken public confidence in the FBI
(5) Embarrass or harm innocent persons.
(6) Establish means of evading detection.

Tied in with the efforts of the Government to protect the confidential nature of its files are the efforts of Communists and their sympathizers who are opposed to some of the Government policies, such as the Loyalty Program etc., to secure access to FBI reports.

(Following material prepared by L. Whitson)

-- NIMITZ COMMISSION --

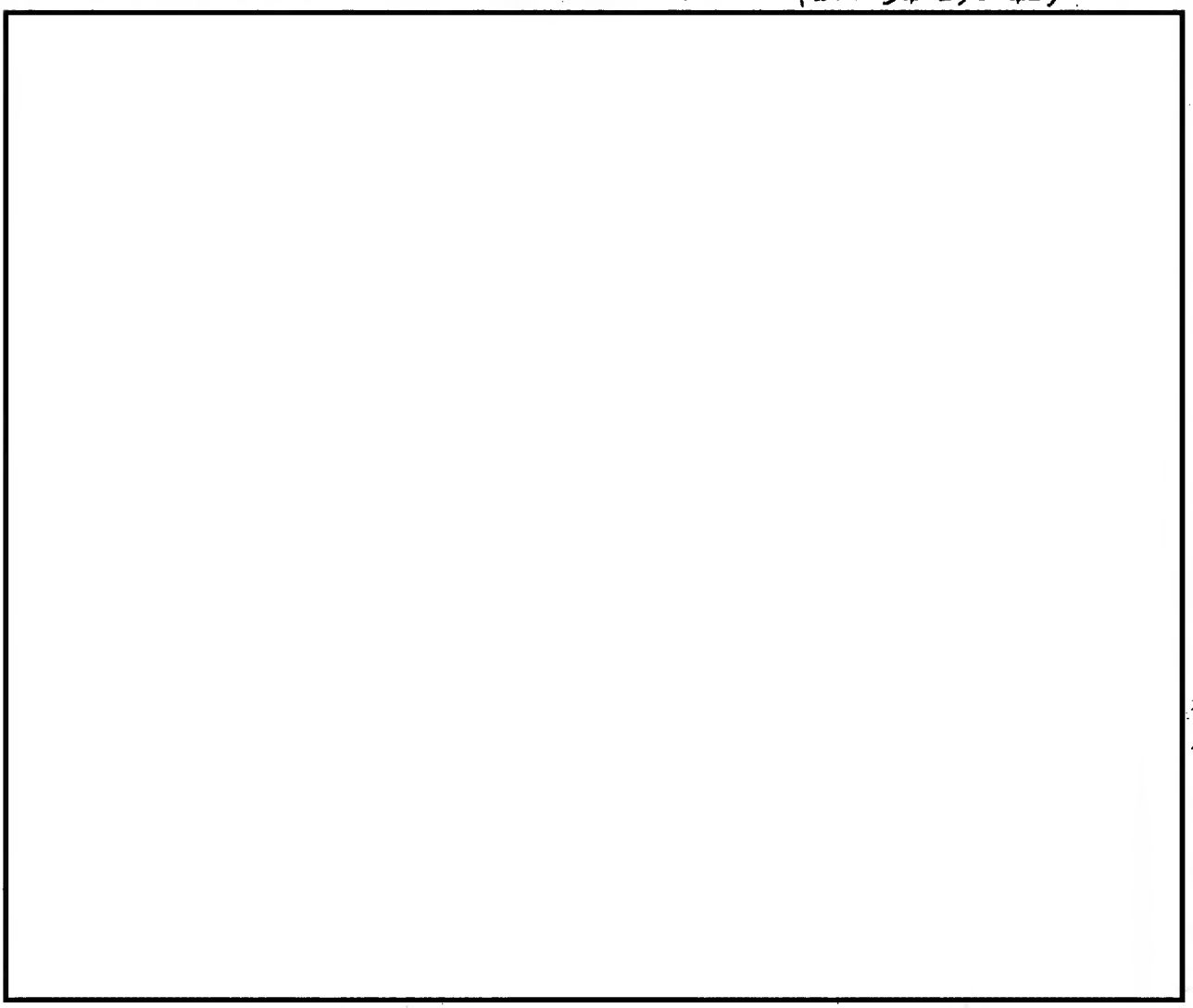
Since November 4, 1952, certain newspapers and columnists have recommended that President Eisenhower reinstitute a Committee of the type sought to be established by President Harry Truman by Executive Order of January 23, 1951. This Executive Order established the "President's Commission on Internal Security and Individual Rights," popularly known as the Nimitz Commission, to make a thorough study of the problem of providing for the internal security of the United States and at the same time protecting the rights and freedoms of individuals from "unwarranted attacks" and "unwarranted infringements." The Executive Order provided that the Commission might hold public hearings and, in connection with matters relating to Federal employees, it might examine any and all records and files relating to individual cases in the possession of any Executive Department or Agency. (62-93822-3)

Although the Executive Order purported to limit the committee's examination of such files to those relating to Federal employees, President Truman told the Commission that it would have access to "whatever papers are necessary to find out the facts." (62-93822-10)

The Nimitz Commission failed to obtain Congressional approval in June, 1951, when the Congress refused to consider granting exemptions from the so-called "Conflict of Interest" laws, under which former Federal employees are prohibited from doing business with the Government for private firms for two years after they leave Government service. The members of the Commission who would have been affected by such laws declined to operate as a Commission under those circumstances.
(62-938822-21, 22; 62-93822-A-Wash. Post 6-19-51)

-- SUGGESTIONS FOR COMMISSION TO STUDY INTERNAL SECURITY --

The idea of a commission to investigate the investigation of internal security matters by the FBI is not new. The Americans for Democratic Action, although professing anti-Communism, has opposed anti-Communist legislation, has opposed hearings on Communism by the House Committee on Un-American Activities, has opposed the Federal employees Loyalty Program, and in the Summer of 1949 called for a full-scale investigation of the FBI by a commission or by Congress. This proposal coincided with the release of FBI reports, over the objections of the FBI, in the trial of Judith Coplon. (100-348196-41)



[redacted]

(62-93822-21X)

On December 6, 1950, the Americans for Democratic Action was reported in the press to have asked President Truman to appoint a "citizens committee" to investigate, among other matters, the operation of the Government Loyalty Program and the activities of enforcement agencies. The Americans for Democratic Action exerted considerable influence in the entourage of the recent Democratic Presidential candidate. Individuals such as Bernard DeVoto, Arthur Schlesinger, Jr., and James Wechsler, who were reported to be his speech-writers, have not been sympathetic toward investigations conducted by the FBI.

(100-348196-54)

The release of FBI reports to Commissions of the "Nimitz Commission" type, set up for conducting investigation of investigative agencies, as recommended by the National Lawyers Guild and the Americans for Democratic Action, cannot help the President and the Attorney General to formulate policy since the files of the FBI are already open to the President and his Attorney General. On the other hand, opening of the files of the FBI to such a Commission can only play into the hands of the enemy by revealing investigative techniques and identities of informants and sources of information.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Ladd

DATE: January 26, 1953

FROM : Mr. Rosen

SUBJECT: ANTHONY J. RUSSO

HERBERT BROWNELL

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PURPOSE:

To advise, in response to the Director's inquiry, that Bureau files contain no identifiable information concerning Russo.

G.I.R-6

DETAILS:

The Washington News of January 23, 1953, contained an item reflecting that Anthony J. Russo is the confidential assistant to Attorney General Brownell. The Director noted, "I note we did not investigate him. See if our files show anything."

A search of the Bureau files has been made and no identifiable information concerning Russo was located.

The Martindale-Hubbell Law Directory lists an Anthony J. Russo as being with the Legal Department of General Motors Corporation, New York City. This person was born in 1898 and was admitted to the Bar in 1923. He was educated at Brown and Harvard Universities.

ACTION:

This is for your information.

RSP:dlj

1 ENCL.

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A New Administration Begins to Administer

Old Desks, New Faces

The new Attorney General, Herbert Brownell, left, with his confidential assistant, Anthony J. Russo.

I note we did not investigate him. See if our files show anything.

b

file 6

ENCLOSURE

Times-Herald
Wash. Post
Wash. News
Wash. Star
N.Y. Herald Tribune
N.Y. Mirror

Date: JAN 2

NUMEROUS REFERENCE 4-22c

SEARCH SLIP

Supervisor *Myers* Room *5708*

Subj: [redacted]

✓ Exact Spelling
✓ All References
Subversive Ref.
Mail File
Restricted to Locality of

Searchers
Initial *jml*
Date *9-23*

b6
b7C

FILE NUMBER	SERIALS
~~47-33854~~	✓ not ident ...
~~87-10009~~	
~~91-1239~~	
~~100-72694~~	
~~87-10009-A~~	NY Times 10-22-48
~~62-75147-650 Encl P54~~	
~~62-71861-833X4~~	nothing ...
~~73-4419-94~~	not ident ...
~~100-2555-578, 539, 430~~	
P.17	
[redacted]	
~~87-50049~~	
~~100-26912-587~~	
~~87-10009-A~~	NY Post Home News 10-21-48
[redacted]	
~~...-3437~~	...
~~121-4-64446~~	9 ✓ not ident ...
[redacted]	
~~47-33854~~	
~~62-75147-31-136X Encl P.30~~	

Initialed

[redacted]

JULOOS NL PD

NGC NEWYORK NY DEC 24

ATTORNEY GENERAL MCGRANNERY

I SPOKE TO YOUR SECRETARY, AND WHILE I HAVE NO USE FOR THATLHUMAN BEING CALLED HERBERT BROWNELL THE FACTS MUST BE STATED. I STILL WANT TO KNOW WHO IS THE REAL TOMMIS BROWN. PERIOD. AND PLEASE DUTCH DOLDBERG DOUBLE PERIOD PERIOD

PERCY K LEATHER 6301 SHORE ROAD BROOKLYN

1010A DEC 25

[redacted]

KEEP IN F. B. I. FILES

INDEXED-47

EX. - 107

NOT RECORDED

13 JAN 8 1953

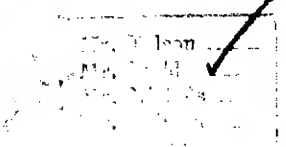
FBI

JAN 19 1953

From
THE ATTORNEY GENERAL
to
Official indicated below by check mark

Solicitor General	
Deputy Attorney General	
Executive Assistant to the Attorney General	
Assistant Attorney General, Anti-Trust	
Assistant Attorney General, Tax	
Assistant Attorney General, Claims	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal	
Assistant Attorney General, Exec. Adjudications	
Administrative Assistant Attorney General	
Accounts Branch	
Records Administration Branch	
Procurement Section	
Director, FBI	✓
Director of Prisons	
Director, Office of Alien Property	
Commissioner, Immigration and Naturalization	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Librarian	
Director of Public Information	
Miss Ethier	
Mr. Kelly	
Mr. Hyatt	
Mr. Coblenz	
Mrs. Burke	
Mrs. Willingham	
Mrs. Hessom	
Miss Cartwright	

MEMORANDUM



STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: January 26, 1953

FROM : L. B. Nichols

SUBJECT:

Tolson ✓
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Winterrowd
Tele. Rm.
Holloman
Gandy

Tony Russo, Confidential Assistant to the Attorney General, called and stated the Attorney General had given him a copy of our memo to the AG under date of January 21, listing the names of several individuals on whom requests for investigations have not been received. Russo stated the AG had noted on this "Told JEH to investigate."

Russo does not know where the original is and he asked how to implement this. I told him if the AG had already told the Director, then the matter was being handled; however, if he desired to send the copy of the memo around, we would note it and return it to him for his files, as he indicated he desired it.

After the investigations have been initiated, it is suggested this copy of the memo be returned to me in order that I can send it back to Russo.

cc: Mr. Ladd
Mr. Rosen

LBN:MP

ADDENDUM: LBN:ptm 1-28-53

Upon ascertaining that the Attorney General gave the Director the original of the memorandum of January 21st, the investigations have been ordered on the individuals named therein. I returned the copy to Tony Russo with the advice the Attorney General had given us the original.

62-98585-48

FEB 3 1953

7443

FEB 13 1953

The Attorney General

February 11, 1953

Director, FBI

THE "INVESTIGATOR"

Attached is a copy of the February, 1953, issue of the "Investigator," an employee magazine published monthly by the Federal Bureau of Investigation Recreation Association. In addition to using your picture as the front cover of the magazine, the employees have published a brief biography of your life on the inside front cover.

I have placed your name on the list to receive a copy of this publication each month. Should you desire additional copies of this or succeeding issues, we will be glad to supply them to you.

Attachment

~~cc: Mr. William P. Rogers, Deputy Attorney General~~

cc: Mr. Jones (Rewrite of same date)

GWG:mnf;hmc

RECORDED - 58 62-98585 49

FEB 13 1953

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Tele. Rm.
Holloman
Gandy

56 FEB 20 1953

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director

DATE: February 10, 1953

FROM : F. C. Holloman

SUBJECT: MISCELLANEOUS, INFORMATIVE MATERIAL FURNISHED MR. HERBERT BROWNELL, JR.

(1) Letter, dated 11-24-52, enclosing Monographs entitled: Soviet Counter-intelligence Organizations; Training Schools and Training of the Soviet Intelligence Service; The Underground Apparatus, 1919-1952; Soviet Intelligence Communications, mailed on 11-24-52.

(2) Letter, dated 11-24-52, enclosing November issue of FBI Law Enforcement Bulletin; November insert for Law Enforcement Bulletin; Annual Report of FBI for fiscal year 1952, mailed on 11-24-52.

R-(3) Letter, dated 11-24-52, enclosing memorandum summarizing the Department's "Program for Apprehension and Detention of Persons Considered Potentially Dangerous to the National Defense and Public Safety of the United States, mailed on 11-25-52.

R-(4) Letter, dated 12-11-52, enclosing memorandum, dated 12-11-52, concerning the value of a commission to study the menace of Communism to internal security, personally delivered by Mr. Holloman on 12-13-52.

(5) Letter, dated 12-9-52, setting out information on Bernard Louis Gladieux, personally delivered by Mr. Holloman on 12-13-52.

R-(6) Letter, dated 12-10-52, enclosing memorandum concerning Bureau policies pertaining to employee procurement, personnel indoctrination, and training, and placement policies of the FBI, personally delivered by Mr. Holloman on 12-13-52.

R-(7) Letter, dated 12-10-52, enclosing memorandum, dated 12-10-52, describing a program of inspections which has been in effect in the FBI for a number of years, personally delivered by Mr. Holloman on 12-13-52.

(8) Letter, dated 12-9-52, enclosing reprint of an article "Civil Liberties and Law Enforcement," from the Iowa Law Review, personally delivered by Mr. Holloman on 12-13-52.

R-(9) Letter, dated 12-9-52, enclosing memorandum, dated 12-8-52, concerning the leakage of classified information to newspaper sources, personally delivered by Mr. Holloman on 12-13-52.

R---Copies of these items were furnished to Mr. William P. Rogers by letter dated 1-13-53, delivered by special messenger on 1-14-53.

FCH:eff

62-98585-50

18 MAR 18 1953

RECORDED - 47

FEB 27 1953

R-(10) Letter, dated 12[redacted]52, enclosing memorandu[redacted]ated 12-10-52, concerning the activities of the FBI designed to [redacted]ift the standards of law enforcement through training local, county and state law enforcement officers, personally delivered by Mr. Holloman on 12-13-52.

(11) Letter, dated 12-1-52, enclosing memorandum, dated 11-28-52, concerning a summary of FBI Coverage of Communist Activities from 1940 to 1952, personally delivered by Mr. Holloman on 12-13-52.

R-(12) Letter, dated 12-9-52, enclosing memorandum, dated 12-9-52, and several charts reflecting the administrative and operational aspects of the FBI, personally delivered by Mr. Holloman on 12-13-52.

(13) Letter, dated 12-4-52, setting out remarks by informant that are purported to be statements made by Soviet officials who informant believes to be important officials of Soviet Ministry of State Security, personally delivered by Mr. Holloman on 12-13-52.

(14) Letter, dated 12-2-52, transmitting summary of information, dated 11-28-52, on Karl John Eisenhardt, possible designate as Ambassador to Venezuela, personally delivered by Mr. Holloman on 12-13-52.

R-(15) Letter, dated 12-9-52, enclosing memorandum, dated 12-8-52, pertaining to matter of listing additional organizations under the President's Loyalty Order, personally delivered by Mr. Holloman on 12-13-52.

R-(16) Letter, dated 12-9-52, enclosing memorandum, dated 12-8-52, concerning "Defense Functions of the Federal Bureau of Investigation," along with series of charts depicting our activities in the Internal Security Field, personally delivered by Mr. Holloman on 12-13-52.

(17) Letter, dated 12-9-52, enclosing memorandum, dated 12-9-52, describing the Ten Most Wanted Fugitives Program, personally delivered by Mr. Holloman on 12-13-52.

R-(18) Letter, dated 12-9-52, enclosing memorandum, dated 12-5-52, dealing with Wire Tapping, setting forth Bureau's policy and referring to legislation which has been introduced, personally delivered by Mr. Holloman on 12-13-52.

R-(19) Letter, dated 12-9-52, enclosing memorandum, dated 12-9-52, setting forth details on current proposal for establishment of Federal agency to disseminate information on crime and setting forth certain proposals of American Bar Association for control of local police and prosecutors, personally delivered by Mr. Holloman on 12-13-52.

R-(20) Letter, dated 12-9-52, enclosing memorandum, dated 12-8-52, concerning bill introduced in Senate by Senator Eastland on 4-7-52. Bill designed to correct previous Act of Congress which was construed to prevent the FBI from investigating such offenses as bribery, fraud against the Government, and corruption in the Treasury Department, personally delivered by Mr. Holloman on 12-13-52.

R-(21) Letter, dated 12-11-52, enclosing memorandum, dated 12-11-52, dealing with the confidential character of FBI files and necessity of keeping them inviolate, personally delivered by Mr. Holloman on 12-13-52.

(22) Letter, dated 12-[redacted]-52, enclosing copy of the Elmo Roper story in the New York Herald Tribune, 12-15-52, mailed on 12-17-52.

(23) Letter, dated 12-22-52, transmitting copy of Director's memorandum to the Attorney General, dated 12-22-52, captioned "Proposals for Organization and Management of the Department of Justice," which sets forth the Director's views with reference to certain recommendations which would affect the FBI, growing out of the Management Engineering Survey of the Department conducted by Griffenhagen Associates, mailed on 12-22-52.

(24) Letter, dated 12-26-52, transmitting a summary of information in Bureau files on Judge Charles Edward Wyzanski, Jr., of Boston, Massachusetts, mailed on 12-27-52.

(25) Letter, dated 12-30-52, concerning George Richardson of Philadelphia, who has been mentioned as being considered for a Department of Justice position in the Eisenhower Administration, mailed on 1-2-53.

(26) Letter, dated 12-29-52, attaching copy of letter, dated 12-15-52, from J. Robert Walker, containing favorable comments concerning Ezra Taft Benson, mailed on 1-2-53.

(27) Letter, dated 1-5-53, setting forth summary of information in Bureau files on George Frederick Mullen, mailed on 1-5-53.

(28) Letter, dated 1-5-53, concerning Hal Leyda and his wife, Lois Leyda, the latter being employed by Eisenhower Headquarters in New York City, and the former having worked at Eisenhower Headquarters during the recent campaign, mailed on 1-7-53.

(29) Letter, dated 1-9-53, enclosing summary of information in Bureau files on Frank A. Southard, Jr., and advising no derogatory information in Bureau files on Andrew N. Overby, Edward F. Bartelt, and William W. Parsons (requested by Mr. George M. Humphrey), mailed on 1-9-53.

(30) Letter, dated 1-12-53, setting forth summary of various legislation passed and pending on the Espionage Statutes, mailed on 1-13-53.

(31) Letter, dated 1-12-53, regarding investigation conducted to date concerning Hal and Lois Leyda, mailed on 1-13-53.

(32) Letter, dated 1-13-53, attaching up-to-date list of all persons the Bureau has been requested to investigate for the Eisenhower Administration and the status of each case, mailed on 1-13-53.

(33) Letter, dated 1-15-53, enclosing copy of the 1-14-53 issue of the FBI Current Intelligence Summary, mailed on 1-15-53.

(34) Letter, dated 1-16-53, setting forth information furnished by Robert W. Howard concerning Martin P. Durkin, delivered by special messenger on 1-19-53.

(35) Letter, dated 1-16-53, regarding agreement between United States Attorney Lane and Assistant Attorney General McInerney concerning handling of Civil Rights cases with the New York City Police Department, delivered by special messenger on 1-21-53.

(36) Letter, dated 1-21-53, regarding appointments in the New Administration, which have been announced but on whom no request has been received for Bureau investigation, delivered by special messenger on 1-22-53.

R-(37) Memorandum, dated 1-22-53, concerning the status of the Bureau's Appropriation, for the current fiscal year, delivered by special messenger on 1-22-53.

(38) Memorandum, dated 1-20-53, setting forth auxiliary information developed on Spencer Miller, Jr., delivered by special messenger on 1-22-53.

R-(39) Memorandum, dated 1-21-53, regarding Tripartite Conferences on Atomic Energy standards (Great Britain, Canada, and the United States), delivered by special messenger on 1-22-53.

(40) Memorandum, dated 1-23-53, attaching memorandum dated 1-21-53, briefly setting forth certain general security measures and procedures in effect in the Bureau at the present time, delivered by special messenger on 1-23-53.

(41) Memorandum, dated 1-27-53, regarding the Attorney General's Denaturalization and Deportation Program, Racketeer List, delivered by special messenger on 1-27-53.

(42) Memorandum, dated 1-28-53, concerning the Policy on Dissemination of Information by the FBI, delivered by special messenger on 1-29-53.

R-(43) Memorandum, dated 2-3-53, regarding Delays in Handling Civil Rights Cases, delivered by messenger on 2-4-53.

R-(44) Memorandum, dated 2-4-53, regarding the Owen Lattimore case, summarizing inquiry concerning comments of Edward F. Hummer, Criminal Division, concerning prosecution in this case, delivered by messenger on 2-5-53.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: March 19, 1953

FROM : L. B. Nichols

SUBJECT: [illegible] Purnell, Jr.

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

Fred Mullen called and stated the Attorney General would like to have his fingerprints taken between 9 and 9:15 a.m. in the morning. I told Mullen that Mr. Kemper would meet him, pursuant to his request, and Mullen will take him in the back door of AG office.

I have gone over the reasons for the fingerprints with Kemper and, in addition to taking the ten fingers for a fingerprint card, he will develop one thumb print and send it to the photographic section and have it enlarged.

cc: Mr. Kemper

LBN:MP

RECORDED - 101

62-98585-51

23 MAR 28 1953

67 APR 2 1953

3

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

March 19, 1953

Mr. Tolson:

Fred Mullen called with reference to the Life Magazine series on the Attorney General, and stated that the Life representative had talked to the Attorney General on the background of an enlargement of his thumbprint; that the Attorney General had fallen for the idea and had agreed to having this done, and inquired whether we could make the enlargement of the thumbprint.

I told Mullen we could make it but we did not have the Attorney General's fingerprints. He stated he would arrange to have the Attorney General fingerprinted and would bring him around to the Bureau this afternoon. I told Fred not to do this; that we would send someone around to take the Attorney General's fingerprints in his office.

I will have Mr. Kemper handle this as he is very competent to do the job when Mullen calls us.

Respectfully,

L. B. Nichols

LBN:arm

Mullen - HQ
9-915

memo to Tolson
Mr. 3-19-53
LBN:arm
RECORDED

162 98585-52
22 MAR 23 1953

67 APR 2 1953

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: March 13, 1953

FROM : L. B. Nichols

SUBJECT: TOUR OF THE ATTORNEY GENERAL'S CHILDREN
SATURDAY, MARCH 14, 1953

Tolson
Ladd
Clegg
Glavin
Nichols
Rosen
Tracy
Harbo
Belmont
Mohr
Tele. Room
Nease
Gandy

In regard to the Director's inquiry concerning the handling of the Attorney General's family on Saturday, I wish to advise as follows:

(1) Tour will be handled at 1:30 p.m., by Special Agent Kemper, Crime Records Section.

(2) The exhibit rooms will be lighted and ready for use.

(3) The Laboratory will be open. An Agent will be on duty, and special exhibits will be shown the group.

(4) Special Agent Bahlow, a firearms instructor from Quantico, will be on hand and will give a very special exhibition.

(5) Tour will also include the traffic diorama and the exhibits in the Director's Reception Room.

You can be assured that this matter will be handled in a most conscientious fashion.

cc - Mr. Harbo
cc - Mr. Clegg

MCK:mn

62-78585-53

RECORDED-39

62 APR 2 1953

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: March 14, 1953

FROM : L. B. NICHOLS

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Mohr
Tele.
Holloman
Gandy

SUBJECT:

In accordance with instructions, Special Agent Kemper took Miss Harriet McCarthy, the secretary of the Attorney General, three of the Brownell children - [redacted] the son of the Deputy Attorney General, on a very special tour this afternoon. The group also included two friends of Miss McCarthy, a [redacted] (ph) and a [redacted] (ph) These two young men are in the Navy.

The tour lasted two hours and included the Director's front office, the Exhibit Rooms, and the Lab.

On the range, Special Agent Bahlow gave an exhibition which was excellent.

At the conclusion of the tour, Agent Kemper took the three Brownell children home as they had no means of transportation.

The only incident on the tour was the fact that [redacted] got sick in one of the Exhibit Rooms after the tour had been under way about 15 minutes. With the use of a little ammonia, a glass of water, and a damp towel, he soon recovered and the incident was forgotten.

ECK:FML

INDEXED
RECORDED-39

62-98585-54

APR 2 1953

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: March 2, 1953

FROM : F. C. Holloman

SUBJECT: NAME CHECKS FOR DEPARTMENT

H. W. Brown II Jr.

[redacted] transmitted the attached list for checks on individuals who have requested photographs or autographs of the Attorney General.

After being checked by Mr. Seyfarth, Records Section, who advised nothing derogatory appeared in Bureau files concerning these individuals, [redacted] was so advised.

Attachment
eff

b6
b7C

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Tele. Rm.
Holloman
Gandy

RECORDED-52

INDEXED-52

EX-111

APR 8 1953

Feb. 24, 1953

9 Pvt. William Polik
R. & M. Co. 101 Signal Bn. Corps.
APO 264 c/o Postmaster
San Francisco, California

6 Marvin K. Hartwig
P.O. Box 654
Santa Maria, California

4 Fannie Alice Davis
Augusta, Arkansas
c/o Red River

5 Edward Gutierry
Horne Street School
Oceanside, California

1 William Bailey
Box 23
Carlisle, West Virginia

11 J. H. Shuttleworth
21 Lambert Avenue
Meriden, Connecticut

8 Guido Nizzi
521 La Poblana Road N. W.
Albuquerque, New Mexico

12 John Taeni
177 East 77th Street
New York, N. Y. (was checked before)

7 Miss Roberta Rajean Lawrence
1207 East Second Street
Centralia, Illinois

3 Warner E. Colville
45 E. 55th Street
New York 22, N. Y.

10 Charles H. Schroeder
1137 Greenvale Avenue
Akron 13, Ohio

2 John A. Blomgren
2905 Seventeenth Ave. S.
Minneapolis 7, Minnesota

2/27/53

Rec'd AM 2.27.53

Pres Dmd order 3/2/53

ENCLOSURE

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: March 12, 1953

FROM : F. C. Holloman

SUBJECT: NAME CHECKS FOR DEPARTMENT

b6
b7C

Herbert Brownell, Jr.

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Tele. Rm.
Holloman
Gandy

[redacted] transmitted the attached list for checks on individuals who have requested photographs or autographs of the Attorney General.

After being checked by [redacted] Records Section, who advised nothing derogatory appeared in Bureau files concerning these individuals, [redacted] was so advised.

Attachment
eff

G.I.R. 3

RECORDED-52 62 - 98585 - 56

INDEXED-52

63 APR 3 1953

b6
b7C

March 12, 1953

[redacted]

May we have a name check on the following names:

George M. Wines
209 Cloud St.,
Front Royal, Va.

Mrs Marie D. Rutledge
Wilsonville, Nebraska

Terry Roach
451 Euclid St.,
Santa Monica, Cal.

Frank M. Casella
Room #46
15 East 21st St.,
New York 10, N.Y.

Thank you,

[redacted]

[redacted]

FROM
DIRECTOR OF PUBLIC INFORMATION

OFFICE OF THE ATTORNEY GENERAL
to
Official indicated below by check mark

Attorney General	
Solicitor General	
Deputy Attorney General	
Executive Assistant to the Attorney General	
Assistant Attorney General, Anti-Trust	
Assistant Attorney General, Tax	
Assistant Attorney General, Claims	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal	
Assistant Attorney General, Exec. Adjudications	
Administrative Assistant Attorney General	
Accounts Branch	
Records Administration Branch	
Procurement Section	
Director, FBI	
Director of Prisons	
Director, Office of Alien Property	
Commissioner, Immigration and Naturalization	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Librarian	
Miss Ethier	
Mr. Kelly	
Mr. Hyatt	
Mrs. Burke	
Mrs. Willingham	
Mrs. Hessom	
Miss Cartwright	

MEMORANDUM

FBI

Room 5640

FOR RELEASE IN P.M. PAPERS OF
TUESDAY, MARCH 3, 1953

DEPARTMENT OF JUSTICE

Attorney General Herbert Brownell, Jr., today made public the following letter:

February 27, 1953.

Mr. Howard D. Snyder,
29 Congress Court B,
Saginaw, Michigan.

Dear Mr. Snyder:

I certainly appreciate the interest which prompted you to send me your letter of February 9, 1953, with the enclosed newspaper clipping regarding the formation of a national agency to disseminate information to law enforcement organizations.

It is my personal opinion that this nation does not need a national crime commission or clearinghouse agency such as is described in the clipping. I feel that such an agency would be an unnecessary and costly accessory to existing establishments. The FBI already brings to the attention of local authorities information which is of interest to them, and the facilities of the Identification Division of that Bureau are available to all law enforcement agencies. At the same time, the FBI Laboratory aids local police agencies in connection with investigations of criminal matters. In addition, the FBI cooperates with all law enforcement agencies except those which are corrupt, inefficient or cannot maintain confidences.

Regardless of restrictions which might be imposed upon it, I feel that any such agency would ultimately begin to investigate crime activities. This would inevitably play into the hands of the underworld by leading to confusion and duplication of effort. If this proposed agency did not verify the information it would release, there exists the strong possibility of providing an official medium for the dissemination of rumors or gossip. Beyond that, though, there is just no place in this country for even the germ of a national police to have official sanction. I definitely feel that mutual cooperation of national, state and local agencies is the best arrangement for this country.

RECORDED - 26 62 - 98565 - 57

INDEXED - 26

EX-112

NOT RECORDED

COPY DESTROYED

53 APR 7 1953

150 DEC 4 1964

I am enclosing reprints of the introductions written by Mr. John Edgar Hoover, Director of the FBI, which appeared in the December, 1952, and January, 1953, issues of the FBI Law Enforcement Bulletin. In my opinion, these introductions offer excellent reasons for opposing the establishment of a national crime commission. I do hope this material will be of interest and assistance to you.

Sincerely yours,

/s/ Herbert Brownell, Jr.

Attorney General.

Enclosures

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Winterrowd
Tele. Rm.
Holloman
Gandy

Brownell Opposed To National Police

Says Such Agency Would Duplicate F. B. I.

WASHINGTON, March 3 (UP). — Attorney General Herbert Brownell jr., today opposed creation of a national police agency to help local authorities deal with crime. He said any such agency would eventually find itself investigating criminal activity, a duplication of Federal Bureau of Investigation work, which would play into the hands of the underworld.

"There is just no place in this country for even the germ of a national police to have official sanction," he declared in a letter to Howard D. Snyder, of Saginaw, Mich., who wrote asking the Attorney General's views on the matter.

Mr. Brownell's attitude is the same as that of his three Democratic predecessors and of F. B. I. Director J. Edgar Hoover. It has long been Justice Department policy to oppose anything remotely resembling a "national police force" empowered to deal with local as well as federal crimes.

Times-Herald
Wash. Post
Wash. News
Wash. Star
N.Y. Herald Tribune
N.Y. Mirror
N.Y. Compass

62-98585-54

MAR 4 1953

Date:

United States Department of Justice
Federal Bureau of Investigation
Washington 25, D. C.

January 1, 1953

TO ALL LAW ENFORCEMENT OFFICIALS:

In the December, 1952, issue of the FBI Law Enforcement Bulletin I discussed some of the reasons why any move to centralize police powers in either a state or a Federal agency is unnecessary. It is also my belief that proposals of this kind are ineffective, unrealistic and, ultimately, dangerous substitutes for the democratic methods of police work now in use.

When any plan leading to consolidation of police power is advanced we will do well to examine it carefully, no matter from what source it originates. Close examination may lead to the discovery of certain basic defects which the proponents of such proposals habitually overlook in their zeal to install an overall law enforcement agency.

One of the results most evident is that the authority of every peace officer in every community would be reduced, if not eventually broken, in favor of a dominating figure or group on the distant state or national level. That official or group might be given the power by law to influence or dictate the selection of officers, the circumstances of their employment and the decisions they make in arresting and prosecuting those who violate the law.

The excuse often advanced to justify this request for supervisory authority is that it is necessary to correct deficiencies in local law enforcement. Inasmuch as the officer in the community may fail in the proper performance of his duty by falling victim to certain pressures and temptations, the higher arm of government must have the power to take over the job and do it right. This is a novel argument. It assumes that those who hold the reins of higher authority spring from a different breed not subject to the subtle influence of money and corrupt politics. While this may be true in any given case, experience gives us little basis for expecting a constant succession of such conscientious public servants. Should the overriding power of law enforcement be held by a corrupt official, he and his superiors could just as easily reduce, rather than increase, the effectiveness of the local peace officer by subjecting his work to corruption from above in addition to that exerted below.

A subordinate status for the community peace officer is the exact opposite of what we now require for better law enforcement. Our paramount need at this time is to give the local officers an opportunity to fairly and honestly exercise the authority which they now have by stripping off the apathetic public attitude and

(OVER)

corrupt political control with which some of them are shackled. If these fetters are removed, the overwhelming majority of our officers will lack neither the ability nor the desire to enforce the law properly in the areas which they serve. The way to loose the bonds is by citizen action in the polling places and other public opinion forums available to every community, not by subordinating the sheriff or policeman to some higher authority whose decisions are just as likely to be a reflection of public morals, good or bad, as those of the local officer.

Proposals to centralize law enforcement authority can be quite unrealistic; they tend to assume that either the state or Federal government can and should do for each community what the people of that city or county will not do for themselves. This is a somewhat naive view of the problems involved in enforcing the law, a view based on the fallacious assumption that in "the government" there exists some magic method by which all good things can be accomplished, regardless of the will and the responsibility of the people. This is not the case. If the majority of the communities in a state are unable to enforce a law, either directly as a result of widespread disobedience or indirectly from public apathy, we have no reason to believe that some higher authority will be more successful. Federal experience during the prohibition era is strong evidence bearing on this point. The basic power of law enforcement still resides in the citizens of this nation; without their cooperation no agency of government, whether local, state or Federal, can do the job well.

It may be argued in defense of these proposals that no such power in the state or Federal government was either assumed or intended--that the authority proposed is to be used only in a limited and occasional situation where local law enforcement has broken down. This argument is not reassuring; it is little more than a promise that the power requested will not be abused. We had better catch the malefactors with the statutes now available to us rather than fasten another control over every community in order to fashion a new trap for improper law enforcement in a few of them.

The most compelling argument against any move toward a centralization of police power is the danger which it represents to democratic self government. We should not be misled by urbane representations that the power is limited and will be sparingly used. While this may well be the honest intention of those who first advance the proposal, we have good reason to fear a different result. Experience teaches that power once granted to a sovereign authority is seldom relinquished, more often used to the hilt and extended in scope. It may be a tool of great value when used only for the public good but it can become a vicious weapon in the hands of one who is corrupt. The judgment of history is on the side of those who take the skeptical view.

Very truly yours,

J. Edgar Hoover

John Edgar Hoover
Director

United States Department of Justice
Federal Bureau of Investigation
Washington 25, D. C.

December 1, 1952

TO ALL LAW ENFORCEMENT OFFICIALS:

Every officer and citizen interested in good law enforcement should be aware that we are occasionally confronted with proposals pointing toward a centralization of police powers in a State or Federal agency. I firmly believe that such proposals are both unnecessary and unwise. I have consistently opposed any suggestion for a national police force, and I intend to similarly oppose any other plan under which the local peace officer and those whom he serves will be deprived of their right to fully supervise law enforcement in their own community.

When a proposal of this kind is advanced we ought to immediately demand that its proponents show proof that our present system of law enforcement lacks the skill and resources necessary for effective police work. A due regard for the rights and advantages of democratic self-government in every community dictates that our present methods should not be abandoned, either in whole or in part, unless our peace officers are so ineffective that a surrender of their authority to a higher agency of government has become an absolute necessity. If this condition cannot be shown to exist, any plan pointing toward the eventual centralization of police powers in either a State or Federal agency is no more than a dangerous expedient adopted to serve some narrow or temporary purpose.

Any proposal for a shift of police powers on the basis that local officers lack the ability to enforce the law under today's conditions is inconsistent with the facts. Law enforcement is already making use of every system and technique adaptable to its work. Police executives and administrators generally are providing their departments with both the training and the equipment necessary to serve the public interest. Emphasis has also been placed on higher personnel standards and improved methods of criminal investigation.

(OVER)

A particularly effective development in modern police work is the continually increasing cooperation between local, State and Federal agencies. Most law enforcement offices are now so efficiently equipped and operated that any officer needing assistance can get it by turning to his typewriter, telephone or radio transmitter. These same methods can just as easily be applied to the exchange of necessary information. A local officer who obtains a report on criminal activity relating to another area as well as his own can transmit that data to the proper authorities and request what he needs in return. Failure to do so shows a flaw in the human element which will not be remedied by a change in the reporting system.

Assistance which cannot be obtained by interchange between local agencies is made available through the cooperative services of the FBI. Note how these services, each tailored to fill a need in the standards and effectiveness of law enforcement, implement the ability of the local peace officer to serve his community:

1. The FBI Identification Division sends criminal arrest records to both the requesting agency and to others shown as being interested in the subject. Arrangements are made to notify local officers if the same person is arrested later in another area. During the last fiscal year alone, 10,533 fugitives were identified by the FBI through fingerprints. Information on criminals is sent to foreign countries and obtained from them -- another aid to local law enforcement.

2. The FBI Laboratory conducts scientific examinations of evidence sent in by local officers in criminal cases without cost to the individual community. A written report is returned and the technician is available for court testimony when needed. During the fiscal year 1952, 16,925 examinations of evidence were conducted for State and local law enforcement agencies.

3. Our Training and Inspection Division conducts the FBI National Academy, which just completed its 50th session, to train police executives, administrators and instructors. Approximately 2,600 law enforcement officers have been graduated since this Academy was founded. Thousands of specialized police schools have been held upon request in cities throughout the nation. In the fiscal year 1952, the FBI participated in 2,350 such schools. Others are constantly being scheduled.

4. Under the Fugitive Felon Act, described in the October, 1951, issue of the FBI Law Enforcement Bulletin, the FBI conducts investigations to locate and apprehend persons who have fled the jurisdiction of local officers to avoid prosecution or confinement after conviction for eight major crimes and attempts, as well as investigations of persons who flee to avoid giving testimony in criminal proceedings involving an offense carrying penitentiary imprisonment. During the fiscal year 1952, our investigations led to the apprehension and return of 501 such fugitives.

5. When the FBI has evidence that a crime has been planned or committed in another jurisdiction, we make the facts in our possession available to the local officers charged with responsibility in that case.

6. The Uniform Crime Reports bulletins, compiled by the FBI from data supplied by local law enforcement agencies, enable police executives to follow the national crime trend and compare it with that of their own communities. This information serves a valuable administrative purpose.

The tools for effective law enforcement lie within the grasp of every city and county which chooses to use them. If the opposite choice is made, a shift of responsibility elsewhere for crime in that area is only a maneuver, not a solution.

Higher personnel standards, modern equipment, cooperation between police agencies, readily available criminal arrest records, scientific examination of evidence, training in modern investigative and administrative techniques, assistance in the return of fugitives and reports on crime trends are the basic requirements for good law enforcement. All of them are within the reach of every community without any departure from the decentralized, democratic methods of police work now in use.

Very truly yours,

J. Edgar Hoover

John Edgar Hoover
Director

March 18, 1953

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Winterrowd
Tele. Rm.
Holloman
Gandy

MEMO TO MR. TOLSON

Paul Warwick called from New York. He attended the dinner of the Friendly Sons of St. Patrick last night, where the Attorney General made a speech.

Paul stated that the AG gave the Director and the Bureau a terrific boost; that it was exceedingly well received and that he had seldom heard a Government official speak so highly of another.

Respectfully,

L. B. Nichols

LBN:hmc

RECORDED-21 62-98585-58
MAR 23 1953

Ltr. to A.G. Brownell
3-19-53

56 APR 8 1953

FBI. FILES

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: March 5, 1953

FROM : F. C. Holloman

SUBJECT: NAME CHECKS FOR DEPARTMENT

b6
b7C

Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Tele. Rm.
Holloman
Gandy

[redacted] transmitted the attached list for name checks on individuals who have requested photographs or autographs of the Attorney General.

After being checked by [redacted] Records Section, who advised nothing derogatory appeared in Bureau files concerning these individuals, [redacted] was so advised.

Attachment
eff

File

5 I.R.-8

RECORDED - 101
INDEXED - 101

62-78572-5-59

19 MAR 27 1953

APR 13 1953

Robert [illegible]
492 4th Avenue
Brooklyn 15, New York

Benny F. Hack
27 Church Street
Brandon, Vermont

91187

Thomas Scullion
Raceview
Ballymena, North Ireland

Verá E. Purvis
Route 1, Box 232
Gridley, California

Daniel F. Kozniak
Television News Editor
Iowa State College of
Agriculture and Mechanic Arts
Ames, Iowa

Lew M. Begley, Librarian
The Great Issues Library
University of Texas
Box 144-A Roberts Hall
Austin 18, Texas

Richard Kodanko

Gene Sawinsky
Roscoe, South Dakota

Richard Kodanko
Ephraim, Wisconsin

Mrs. Richard P. Wallee (Helen)
2835 North Summit Avenue
Milwaukee 11, Wisconsin

Dr. Robert Thompson
National Educational Institute
1407 Valley Heart Drive
Burbank, California

Thank you,

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

b6
b7C

TO : The Director

DATE: March 17, 1953

FROM : F. C. Holloman

SUBJECT: NAME CHECKS FOR DEPARTMENT

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Tele. Rm.
Holloman
Gandy

[redacted] transmitted the attached list for checks on individuals who have requested photographs or autographs of the Attorney General.

After being checked by [redacted] Records Section, who advised nothing derogatory appeared in Bureau files concerning these individuals, [redacted] was so advised.

Attachment
eff

62-985-85-60

INDEXED - 101

RECORDED - 101 MAR 27 1953

File

APR 7 1953

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : [redacted]

FROM : [redacted]

DATE: 3-17-53 b6 b7C

SUBJECT: Name checks

May we have a name check on the following persons:

Thomas M. Torgerson, M.D.
507 College Avenue
Santa Rosa, Calif.

Roy Pitts
P.O. Box 1306
Anniston, Alabama

James Jones
1007 East Cheves St.,
Florence, South Carolina.

OK per Rosenblatt

ENCLOSURE

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: March 20, 1953

FROM : F. C. Holloman

SUBJECT: NAME CHECKS FOR DEPARTMENT

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Tele. Rm.
Holloman
Gandy

[redacted] transmitted the attached list for checks on individuals who have requested photographs or autographs of the Attorney General.

After being checked by [redacted] Records Section, who advised nothing derogatory appeared in Bureau files concerning these individuals [redacted] was so advised.

Attachment
eff

1 ENCL

62-98585-61

MAR 27 1953

101 - [redacted]

RECORDED - 101

28 APR 7 1953

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO :

FROM

DATE: 3-20-53

SUBJECT: Name checks

b6
b7C

May we ha ve a name check on the following:

1. Joseph C. Layton
31 Morningview Dr.
Montgomery, Ala

2. Wes Baleria
16924 Coolnurst Dr.
Whittier Calif.

4. William Hamilton
7 Conway Lane Clayton 24, Mo.

1. Diwani C. Advani
12 Mohini Mansion
Colaba, Bombay 5, India

3. Sally Ruth Dine
19 Commonwealth Ave.,
Haverhill, Mass.

8. Stacy V. White TE 3 USN
Tusig, Jammat
APO 206-A
% Postmaster
New York, N.Y.

7. Mary Elizabeth Scott
6, Ray St.,
Eastport, Main

6. Mrs. James Crew Reynolds
(Doris Kool Reynolds)
P.O. Box 153
Sherdan, Wyoming

ENCLOSURE

DO-6

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

March 18, 1953

Fred Mullen of the Department delivered the attached and stated that he had told you he would furnish you these copies.

Attachment
FCH:arm

Mr. Tolson
Mr. Ladd
Mr. Nichols
Mr. Belmont
Mr. Clegg
Mr. Glavin
Mr. Harbo
Mr. Rosen
Mr. Tracy
Mr. Gearty
Mr. Jones
Mr. Mohr
Mr. Winterrowd
Tele. Room
Mr. Holloman
Mr. Sizoo
Miss Holmes
Miss Gandy

HERBERT O BROWNELL, JR.

ENCL

RECORDED - 101

62-98585-62

APR 2 1953

57 APR 15 1953

ADDRESS

BY

HONORABLE HERBERT BROWNELL, JR.

ATTORNEY GENERAL OF THE UNITED STATES

Prepared for Delivery

at

The Society of the Friendly Sons

Of St. Patrick in the City of New York

Annual Dinner

Hotel Astor

New York City

Tuesday, March 17, 1953

To your rousing and gracious "Caed Mile Failte," let me respond with an equally heartfelt "Slante."

And lest you conclude from my impeccable Gaelic accent that I am just a greenhorn with a turncoat name, I will speak the sad truth to you.

I am not really Irish, at all, a-tall.

There never was a Brownell ever saw the sun come up over fair Kenmare. Not a one of us ever knew the joy of dancing a wild jig at the crossroads at Ballyheath. Never a Brownell ever listened to the wonderous talk of the little people who prance the craggy bluffs where dark Mourne meets the sea.

And more's the pity.

But before you rise as one and shout, "Throw the rascal out," let me put before you some facts of my life that might qualify me as a speaker before this gathering of Gaels.

To begin with, my wife was born in Dublin -- Dublin, Texas, to be sure -- but Dublin, none-the-less.

Secondly, I have heard and read a great many speeches by one of the most Irish Irishmen this side of Bantry Bay -- Father Robert Gannon. And anyone who has ever come under the spell of that famous Soggarth of Park Avenue will testify that it is hard to listen to him and not come away feeling half transfused with the blood of kings.

The third leaf in my spurious shamrock is the

fact that I once rooted for Notre Dame against Southern Methodist. However, in all honesty I must confess that had I done otherwise, my good friend Tom Curran would have lathered me with his shillelagh.

There are my credentials -- poor lot though they are. But if anyone of you wishes to challenge them -- if you are in for a row or a raction -- just tread on the tail of me coat.

But now that you have admitted me to the lodge, what can an Irishman-of-the-day say to you who wear the green all year 'round?

I think there is a common ground we can dwell on. Our mutual aversion for the color red.

Red these days, is the color of disloyalty, of deceit, of dissembling.

Red is the ensign of those who feign loyalty to America while giving true allegiance to a foreign power that seeks to bully, malign, threaten, attack, conquer and enslave this America of ours.

But before discussing the Reds, I'd like to touch briefly on some distinctions between citizens. We have on the one hand the man who loves America better than life -- and yet maintains an understandable concern for the land of his ancestry. This dinner is a perfect example of what I mean.

It is my belief that Irish-Americans -- though cherishing the memory of the land of their fathers, while

revering its saints and its heroes, while loving her lakes and her fells -- these Irish-Americans yield to no race of fellow immigrants -- whether eighth generation Americans or first -- in their zealous pride of America, in the sacrifices they have made and are willing to make in her behalf.

I need only to glance at the roster of guests and members here tonight -- and think of the contributions some of you have made to the culture, commerce and commonweal of the United States -- to know that "Irish-American" is really a misnomer.

You really are American-Irish.

But what of the other kind of citizen, the dissimulator, who outwardly salutes our flag and behind false lips murmers the Communist oath? What of those who have come to our shores or have been born within them whose loyalty is to no land; whose love and zeal and time and toil are freely given to a menacing ideology that strives to undermine our way of life, to sap its strength, to decay its roots in the hope that soon it shall topple like timber, prey to the axe and saw of Communism?

How can we ferret them out of the vast mass of loyal Americans?

Distinguishing Red from true blue is not always easy. But we are finding a way...like Mrs. O'Flaherty, the Irish mother of identical twins. When she was asked, "How do you tell the two darlings apart; they've the same

handsome face, the same heft and manner, the same lilt to their talk?" -- Mrs. O'Flaherty replied, "When I puts my finger into Dennis' mouth and he bites me, than I know its Michael."

We, in the new Administration, are finding a better way to distinguish between the loyal and the subversive.

Today, the entire attitude of the Government toward the problems of subversion from within our ranks has changed. Under the old system, we had the case of William Remington. He started out with TVA. His first job was brief, but he was back again in May 1940 as an assistant to the Assistant Director of the National Resources Planning Board. From there he went to OPA as an associate economist and then in February 1942 to the War Production Board. It was while with this Board that he gave Miss Elizabeth Bentley, self-avowed Communist spy courier, secret figures on aircraft production during World War II. He was commissioned in the Navy in 1944, but almost immediately was loaned to the Mission for Economic Affairs and attached to the United States Embassy in London. After the war he went to the Council of Economic Advisers and then in March 1948 transferred to the Commerce Department. It was while he was with the Council of Economic Advisers that the Department of Justice began bringing evidence to the Grand Jury of his prior connection with and work for the Communists. He appeared personally before that Grand Jury in February 1947 or nearly 6 months before he transferred to

the Commerce Department.

It was after he transferred to Commerce that he had access to all important secret defense data. He was Chairman of a Committee which decided what type of defense material to send to Russia and her satellites in return for badly-needed critical materials such as manganese needed by the Air Force for jet engines.

What was wrong here? It was the fact that Remington -- subject of a Grand Jury investigation for Communistic activities -- was receiving the most secret details of our stock piling of critical materials. He wasn't suspended -- he went right on working in a most sensitive position. Knowledge as to critical shortages is something which our enemies naturally would seek. It would be of great assistance to them in planning their own defense programs.

The employing agencies had been told about the evidence against Remington but there was no move to suspend him until the eve of the startling public disclosures by Miss Bentley before Committees of Congress. He was suspended July 18, 1948, 9 days before Miss Bentley told her story on Capitol Hill. Then what happened? A fourth Civil Service Region Loyalty Hearing Board ruled that there was reasonable grounds for belief that Remington was disloyal but on appeal he won a Loyalty Review Board decision that the evidence did not establish reasonable grounds for such belief. And, on February 9, 1949 it ordered him restored to duty.

Meantime the investigations continued and in May 1950 he again was called before a Federal Grand Jury here. As a result of his lies the Grand Jury indicted him for perjury. It was not until the day after his indictment that the Secretary of Commerce demanded and received his resignation.

To sum it up, Remington appeared before 3 different Federal Grand Juries, the House Committee on Un-American Activities and the Senate Investigating Committee prior to his indictment and his forced resignation. Yes, the old loyalty program was a failure.

This old discredited employee loyalty program covered only a portion of the Federal employees — many were not checked at all, even when they transferred to the so-called "sensitive" agencies. It endeavored to set up a standard for employment which was unworkable -- it sought to probe the employee's mind to establish subjectively a narrow test of "loyalty." It provided for almost endless advisory appeal boards -- and in one case where the advice of all the appeal boards didn't suit a top Government official, a special superadvisory board was set up to rehear this particular case. These advisory appeals, while they did give employment to a large staff of examiners and clerks, of reviewers and analysts, did not serve so much to protect the employee under investigation as to pillory him publicly in long drawn out proceedings which assumed the aspects of a treason trial.

The old loyalty program is now to be discarded. A new employee security program is being set up. Under it the test will be whether the employee is found, after full opportunity is given to answer the written charges against him, to be a good security risk for employment by our Government at this time in our history when active subversion by foreign powers has made the problem of internal security of major importance. Under the new program, an employee or an applicant for employment may be loyal in his own mind, but still because of personal habits of conduct, a background of carelessness, negligence or failure to observe reasonable rules of security, he is in fact a security risk -- and therefore not acceptable as a Government employee.

As President Eisenhower has said: first Government employment is a privilege and not a right, and second the job of weeding out security risks is primarily one for the Executive branch of the Government. Accordingly the final decision in each case, after hearings, will be made by the head of the Agency in which the person is employed. And finally, to insure fairness and efficiency in the operation of the new program, a supervisory function will be given to an impartial Agency, such as the Civil Service Commission. To avoid repetition of the pussy footing attitude shown in the Remington case, an employee may be suspended during the time he is under investigation.

Another change of attitude in Washington is toward the F.B.I. -- that great organization under the splendid

leadership of J. Edgar Hoover. Since the F.B.I. is in the Department of Justice, I have a daily opportunity to see this change in attitude. In recent years this great investigative agency has been under attack from Communist groups and "front" organizations with more or less covert support from some Government officials.

In fact I always suspected that the support allegedly given the F.B.I. in recent years by the Government was as doubtful in real meaning as the words of the priest who was trying to think of something appropriate to say to a hardened criminal in the death house. The time came to leave for the execution and the priest, still at a loss for words, walked along with the criminal. At the end of the walk, as the unregenerate outlaw stepped forward to the electric chair, the priest made one last effort to comfort and support him and said -- "Well, more power to you."

That kind of ambiguous by worded support, often failing at the crucial moment, is not what the F.B.I. needs or deserves.

Not only in the field of internal security but in the enforcement of the criminal laws, the entire administration is now giving the F.B.I. the backing it needs. We in the Department of Justice are providing lawyers of integrity and first class competence to try the cases which the F.B.I. develops. Evidence is now in the hands of the F.B.I. which conclusively proves espionage in certain cases, but this evidence cannot now be used in court because of

present rules of evidence. Accordingly, we are sponsoring a legislative program to strengthen the application of rules of evidence in espionage cases.

Also, on another front, we are vigorously pursuing a program designed to rid the Nation of all naturalized and alien Communists where evidence is found that they have violated our immigration and nationality laws.

Nearly 10,000 naturalized citizens are under investigation. They are believed to be or to have been engaged in subversive activities or presently to be or to have been members of, or affiliated with, the Communist Party.

These investigations are to determine whether their naturalization can be revoked. If naturalization is revoked by the courts, these persons will again be aliens and subject to deportation.

Turning to another phase of the program, investigations are being conducted to determine whether nearly 12,000 aliens residing here may be deported because of their subversive activities or membership in or affiliation with the Communist Party. Wherever these investigations uncover evidence of such activities or membership, deportation proceedings will be instituted against these aliens.

For instance, such proceedings already have been instituted against Irving Potash, John Williamson and Jacob Stachel. All have since been convicted under the Smith Act. The deportation proceedings against these three

national leaders of the Communist Party were temporarily suspended during their trial, but since conviction, final orders for their deportation have been entered.

Another person involved in such proceedings is Mrs. Earl Browder. Both Mrs. Browder and her husband are under indictment for making false statements in connection with her application for citizenship. The Government charges that they both lied about her Communist activities.

In all, 280 Communist leaders are currently under deportation orders. Many obstacles remain to successful completion of this program. It's a job worthy of a modern day St. Patrick to drive those snakes from our shores, but steady progress is being made -- and we are determined to succeed.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director

DATE: March 26, 1953

FROM : F. C. Holloman

SUBJECT: NAME CHECKS FOR DEPARTMENT

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Tele. Rm.
Holloman
Gandy

[redacted] transmitted the attached list on the late afternoon of March 24th for name checks of individuals desiring the Attorney General's autograph or photograph.

[redacted] Records Section, advises no derogatory information appears in Bureau files on these individuals with the exception of [redacted].

b6
b7C

[redacted] has been described as a blowhard, egotist, and opportunist. Files reflect he was [redacted] in the late thirties to 1941. He was indicted on a state charge of malfeasance in office and obstructing justice and charged with prostitution and gambling in 1939 and he was acquitted.

Informants state he is shrewd, dishonest, should not be trusted; was not a law-abiding citizen and possibly had been dishonest in public matters.

He reportedly was a voluntary worker for the Kefauver Committee and was shrewd in making contacts and being in the company of important political figures. Is allegedly closely connected with Governor Dewey. Reportedly has contacts in the underworld.

Has requested letters of endorsement from the Bureau and Mr. Hoover in the past; all refused. Notations appear in file that any communications addressed to him should be carefully worded so as not to encourage him in exploiting same.

[redacted] was advised of the above in substance.

ENCL 11

eff

RECORDED - 71
SE 24
INDEXED - 71

62-98585-163
MAR 30 1953

63 APR 14 1953

EX-[illegible]

62-91933
66-5424-1-14
62-58810
62-65[illegible]

STANDARD FORM NO. 64

Office Memorandum • UNITED GOVERNMENT

TO [redacted]

FROM [redacted]

DATE: 3-24-53

SUBJECT: Name checks

May we please have name checks on the following persons:

?. [redacted] (claims he was [redacted] 11 files on subject

b6
b7C

Ray Lockard
1128 Sutter St.,
San Diego 3, Calif.

Miss Helen Timoers
210 Lathrop St.,
Madison, Wisconsin.

Thank you

62-98585-63 3-24-53

April 22, 1953

Honorable Herbert Brownell, Jr.
The Attorney General
United States Department of Justice
Washington, D. C.

My dear Mr. Brownell:

It is my very great pleasure to extend to you an invitation to address the graduating class of the Fifty-first Session of the FBI National Academy on Friday, June 12, 1953. The graduation exercises will be held at 10:30 A.M. on that date in the Departmental Auditorium located on Constitution Avenue between Twelfth and Fourteenth Streets, N. W.

As you may know, the FBI National Academy was established by this Bureau in 1935 for the purpose of training state, county, and municipal law enforcement officers as police instructors and police executives. The Fifty-first Session consists of 79 law enforcement officers and with the graduation of the class we will have 2,666 graduates.

I assure you that we in the FBI would be greatly honored to have you as the graduation speaker, and I know that all of the class members, their families, and officials from their departments would likewise consider it a distinct honor if you could be with us. Should you desire any additional information about the National Academy or the graduation ceremonies, please let me know.

With assurances of my highest regards,

Respectfully,

Edgar

62-9505-64

RECORDED-111

APR 28 1953

JSR:mjp

78 APR 30 1953

April 16, 1953

MEMORANDUM FOR MR. TOLSON
MR. NICHOLS

On April 9, 1953, I saw Mr. Richard E. Coffey for whom an appointment had been made by Mr. Browning of the Deputy Attorney General's Office. Mr. Coffey stated he was preparing a speech for Attorney General Brownell to deliver before a Bar Association meeting in New York and he was interviewing various officials of the Department to obtain some background information which he could include in this speech. I discussed with him generally the administration of the Bureau, some of its problems, and the cooperative assistance which Mr. Brownell has adopted in his relationship with the Bureau.

Very truly yours,

JEH

John Edgar Hoover
Director

JEH:mpd

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Tele. Rm.
Holloman
Gandy

STATEMENT

by

HONORABLE HERBERT BROWNELL, JR.

ATTORNEY GENERAL OF THE UNITED STATES

before the

SENATE COMMITTEE ON THE JUDICIARY

on

S. J. Res. 1 (83d Cong.) a proposed Amendment to the Constitution of the United States relative to the making of treaties and executive agreements, and

S. J. Res. 43 (83d Cong.) a proposed Amendment to the Constitution of the United States relating to the legal effect of certain treaties.

Tuesday
April 7, 1953

62-98585-66
NOT RECORDED
13 MAY 5 1953

62 MAY 11 1953
17

Mr. Chairman and Members of the Committee:

On one premise, I am sure we all agree - both the proponents and opponents of the resolutions which are before you for consideration - namely, that our nation, or any nation, cannot maintain itself successfully in the family of nations unless it enjoys fully and coequally the capacity to make and stand by its treaties. The foremost deficiency of our government under the Articles of Confederation was a weakness in our treaty-making power. It led to the formation of our present Union under a Constitution which committed to the national government the whole of the treaty power and forbade its exercise by the states.

The Articles of Confederation, it is true, purported to confer upon the federal government the exclusive power to make treaties. But there was a qualification that no such treaty should restrain the legislative power of the respective states to impose certain imposts and duties or to prohibit certain exportations or importations. Furthermore, any treaty required the assent of nine states. Article VI provided that no state without the consent of the United States in Congress assembled, could "enter into any conference, agreement, alliance or treaty." The Articles, however, contained no provision for federal legislation to implement a treaty, no supremacy clause, and did not provide for a federal judiciary with power to construe and enforce treaties.

All of the principal plans for a new Constitution presented at the Constitutional Convention of 1787 -- the Virginia plan,[1/] the New Jersey

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1/ The Virginia plan, proposed that the national legislature and the national executive should enjoy, respectively, the legislative and exclusive rights vested in Congress by the Articles of Confederation, which, as we have seen, included the exclusive power to make treaties, and that in addition the national legislature should be empowered "to legislate in all cases in which the several States are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual Legislation," and to negative any State Law contravening the Articles of Union. The federal judiciary was to be empowered to decide any "questions which may involve the national peace and harmony." 1 Farrand, Records of the Federal Convention, 21-22.

plan,[2] Hamilton's plan,[3] and Pinckney's plan [4] -- contained broad and effective treaty provisions, including the power in the Congress to legislate in support of treaties and a supremacy clause. The intention was, and there resulted from the clauses finally evolved, an investiture in the federal government of the full and exclusive treaty power. In respect of foreign affairs the federal government acquired the full powers of sovereignty, and our people have never since retreated or detracted from that grant.

The basic grant of the treaty-making power in the Constitution should be stated at this point. It is contained in Article II, Section 2, which provides that the President "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur." Treaties so made may, if necessary or appropriate, be implemented by act of Congress adopted under the authority conferred by Article I, Section 8, empowering Congress "To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." As a corollary, Article I, Section 10, provides: "No State

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2/ The New Jersey plan would have given the federal government all the authority then vested in the Congress under the Articles of Confederation as well as authority over trade and commerce; it would have given the federal judiciary jurisdiction over the "construction of any treaty or treaties," and would have provided that all acts of Congress "and all Treaties made and ratified under the authority of the United States shall be the supreme law of the respective States so far forth as those Acts or Treaties shall relate to the said States or their Citizens." 1 Farrand, Records of the Federal Convention, 243-245.

3/ The plan submitted by Alexander Hamilton would have given the Executive power, with the advice and approbation of the Senate, to make treaties, and would have contained a supremacy clause. 1 Farrand, Records of the Federal Convention, 292-293.

4/ The Pinckney plan would apparently have added to the treaty provisions of the Articles of Confederation a provision giving a federal Supreme Court power to review state court decisions involving treaties. 3 Farrand, Records of the Federal Convention, 608.

shall enter into any Treaty, Alliance, or Confederation," and further prohibits any state from entering without the consent of Congress "into any Agreement or Compact * * * with a foreign Power."

Article VI provides that "This Constitution, and the laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Article III, Section 2, provides that "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; * * *."

Throughout the years since the adoption of the Constitution there has been general agreement with the statement of Mr. Justice Story that, "had the framers of the Constitution done nothing more than to securely vest the treaty-making power in the Central Government they would have been entitled to immortality and to unending gratitude of the American people." 5/

Every generation or so, this treaty-making power of the federal government comes up for critical analysis and review, especially whenever the President or the Senate or the Supreme Court applies it to a new set of facts in a changing world. Such analysis and review are healthy, for if our basic Constitutional principles do not meet modern needs, consideration should always be given to changing them.

The proposals for amendment now before you emanate from two groups. One group desires to severely limit the treaty-making power of the federal government by confining it to matters which are not "domestic" or "internal." It would revoke the doctrine of the case of Missouri v. Holland, which I propose

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5/ 2 Butler, "Treaty-Making Power of the United States," 403.

to discuss later. Senator Bricker, as I understand it, does not agree with the views of this first group on this point.

With the agruments of the first group, I wholly and totally disagree. Rather, I present with approval the statement of the late Chief Justice Charles Evans Hughes:

> "I take the view which I understand to be that of the Supreme Court that this is a sovereign nation; that the States, in relation to foreign affairs, are not sovereign States; that if this nation exercises its sovereign power in regulating by agreement its relations to other nations, it must be done through the exercise of the treaty-making power and in that relation there are no states, there is but one country. * * *
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> "Now I quite agree with the suggestion * * * that, as it has been found in connection with interstate and intrastate commerce, there may be such an intermingling of activities that it would be necessary in order to support the supremacy of the national power to subordinate the local power with respect to a matter of intermingled local and national concern to the exercise of the national power.
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> "In the case of interstate and intrastate commerce where the supremacy of the Federal Government was sustained, it was because, if the intrastate rates that discriminated against interstate rates as established by the Interstate Commerce Commission were allowed to be maintained, then the States would be dominant in the federal field and the national supremacy would be subordinated within its own field, the national field, to the power of the State. There was no escape from the alternative. Either the national power must be sacrificed to the States or it must be exerted within its field. If it were allowed to be exerted within its field, then it must be supreme, and anything that contravened it must fail.

"I imagine that the same doctrine would be sustained in regard to the treaty-making power where concerns, which perhaps under former conditions had been entirely local, had become so related to international matters that an international regulation could not appropriately succeed without embracing the local affairs as well."[6/]

The second group of proponents, headed by Senator John W. Bricker, raise a problem that deserves most serious study. Senator Bricker himself has performed a great service by calling attention forcibly to the trend, in the executive branch of our government during the last twenty years, to negotiate treaties which it has been claimed deal primarily with domestic matters. Fortunately, none of these treaties has been ratified. Our federal system did not contemplate having treaties deal with matters exclusively domestic in their nature. Largely as a result of Senator Bricker's vigorous activity, this trend in the Executive Branch has been halted. This Committee is now faced with the problem of whether a constitutional amendment can be drafted which will prevent possible misuse of the treaty-making power without, at the same time, unduly restricting its legitimate exercise.

As to the arguments of the second group of proponents, my position is that by and large, our constitutional system of treaty-making, adopted in 1789 and developed to this day, has worked well; and it therefore devolves upon the proponents of change to show a definite and compelling need for the change. That showing is not made by pointing to drafts of treaties, not yet ratified or even submitted for ratification, which rightly or wrongly are said to be objectionable. There are several proposed conventions, in various stages of draft by organs of the United Nations, to which objections have been made by some of the proponents

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6/ Proceedings, 1929 American Society of International Law, 194-195.

of these amendments. If these proposed treaties are as bad for America as they are said to be, they will not be approved by two-thirds of the Senate, or for that matter even be submitted by the President to the Senate. Certainly there is no basis in our history for assuming that the President and the members of the Senate, all of whom are bound by oath to support the Constitution, will seek to undermine the Constitution.

Furthermore, I propose to demonstrate later in this discussion that if a President and a Senate do adopt a treaty which seeks to override a right expressly confirmed to our citizens by the Constitution, such as is contained in the Bill of Rights, the judicial holdings of our federal courts to date indicate clearly that the treaty provision would be stricken down. But if this be true, the proponents of the change argue, why not amend the Constitution to say so. My answer is that no one has yet succeeded in devising language to amend the Constitution to guard against such a hypothetical treaty provision which does not also jeopardize the federal government's necessary and proper treaty-making powers.

I would now like to consider with you the four substantive sections of S. J. Res. 1 and the corresponding provisions of S. J. Res. 43.

"SECTION 1. A provision of a treaty which denies or abridges any right enumerated in this Constitution shall not be of any force or effect."

/The corresponding provision in S. J. Res. 43 reads:

"A provision of a treaty which conflicts with any provision of this Constitution shall not be of any force or effect."/

This amendment is said to be necessary in order to establish that a treaty is not superior to the Constitution, particularly the provisions of the Bill of Rights. The possibility of the contrary, advanced by the sponsors of the constitutional amendment, is derived from a crucial difference, as they see it, in the phraseology of Article 6, clause 2, the supremacy clause, where it is provided that the Constitution and the laws of the United States made in pursuance of the Constitution and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land. It is said that laws in pursuance of the Constitution, as distinguished from treaties under the authority of the United States, places laws and treaties on a different plane in regard to the superiority of the Constitution. In support, reference is made to what Mr. Justice Holmes said for the Supreme Court in Missouri v. Holland,[7] in the course of reaching the conclusion that the Tenth Amendment was not a limitation upon the treaty power, which is vested expressly by the Constitution in the federal government.[8] The Holmes statement in

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7/ 252 U.S. 416 (1920).

8/ The Supreme Court reached a similar conclusion 21 years later in holding that the Tenth Amendment was not a limitation on the federal commerce power, United States v. Darby, 312 U.S. 100, 123-124 (1941).

Missouri v. Holland was:

"Acts of Congress are the supreme law of the land only when made in pursuance of the Constitution, while treaties are declared to be so when made under the authority of the United States. It is open to question whether the authority of the United States means more than the formal acts prescribed to make the convention."

But Holmes immediately qualified this by saying:

"We do not mean to imply that there are no qualifications to the treaty making power * * * *."

And later in the opinion he said:

"The treaty in question does not contravene any prohibitory words to be found in the Constitution."9/

9/ The whole of this quotation reads: "We do not mean to imply that there are no qualifications to the treaty-making power; but they must be ascertained in a different way. It is obvious that there may be matters of the sharpest exigency for the national well being that an act of Congress could not deal with but that a treaty followed by such an act could, and it is not lightly to be assumed that, in matters requiring national action, 'a power which must belong to and somewhere reside in every civilized government' is not to be found. Andrews v. Andrews, 188 U.S. 14, 33. What was said in that case with regard to the powers of the States applies with equal force to the powers of the nation in cases where the States individually are incompetent to act. We are not yet discussing the particular case before us but only are considering the validity of the test proposed. With regard to that we may add that when we are dealing with words that also are a constituent act, like the Constitution of the United States, we must realize that they have called into life a being the development of which could not have been foreseen completely by the most gifted of its begetters. It was enough for them to realize or to hope that they had created an organism; it has taken a century and has cost their successors much sweat and blood to prove that they created a nation. The case before us must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago. The treaty in question does not contravene any prohibitory words to be found in the Constitution. The only question is whether it is forbidden by some invisible radiation from the general terms of the Tenth Amendment. We must consider what this country has become in deciding what that Amendment has reserved." 252 U.S. 433-434 (Underscoring supplied)

But more importantly, reverting to the difference in descriptive phraseology for laws and for treaties in Article 6, clause 2, of the Constitution, to which Holmes merely alluded in passing, sight has been lost of the origin of the difference, and hence its true significance. In the constitutional convention of 1787 the first aspect of the treaty provisions to come up for discussion was that which became ultimately embodied in the supremacy clause. The Virginia resolutions had proposed that the national legislature have power to negate state laws contravening the Articles of Union. An amendment by Dr. Franklin added the power to negate state laws contravening "any Treaties subsisting under the authority of the union," and the proposal was initially agreed to without debate or dissent.[10/] Subsequently, the propcsed power to negate state legislation was rejected. Those opposed to the provision argued that it would be offensive to the states and that a state law that could be negated would be set aside by the judiciary or, if necessary, could be repealed by a national law. Accordingly, in place of this provision there was proposed a supremacy clause, providing that all legislative acts of the United States and all treaties made and ratified under the authority of the United States should be the supreme law of the respective states, in so far as they related to such states or their citizens and inhabitants, and should be binding on the state judiciary. This proposal was unanimously adopted.[11/]

10/ 1 Farrand, Records of the Federal Convention, 47, 54, 61.

11/ 2 Farrand, Records of the Federal Convention, 21-22, 27-29.

Subsequently the supremacy clause was extended to "treaties made or which shall be made" under the authority of the United States, so as to "obviate all doubt concerning the force of treaties pre-existing."[12/]

Thus the framers of the Constitution wanted to be sure, and made sure as time proved, that the supremacy clause extended not only to treaties which might in the future be made under the new Constitution but also to treaties which had in the past been made under the Articles of Confederation. They therefore said "treaties made, or which shall be made" shall be binding. To have limited the clause only to treaties made "in pursuance" of the new Constitution would have defeated that purpose.

In that connection one of the principal concerns was the 1783 treaty of peace with Great Britain,[13/] and the ability of the new national government to comply with its obligations in spite of the recalcitrance of a number of the states.[14/] The treaty, among other things, protected British creditors and guaranteed against future confiscations or prosecutions of persons on account of their part in the Revolutionary War. The status of this treaty was among the first issues to come before the new Supreme Court, in Ware v. Hylton, decided in 1796.[15/] The Court held that the treaty of 1783 overrode Virginia wartime legislation discharging indebtedness to British creditors, also that the treaty operated to revive a debt owed by an American citizen. Similar holdings in the early 1800's were made by

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12/ 2 Farrand, Records of the Federal Convention, 417.

13/ 8 Stat. 80.

14/ 31 Journals of the Continental Congress 781-874.

15/ 3 Dall. 199 (1796).

the Court in Hopkirk v. Bell,[16] involving a state statute of limitations, and Higginson v. Mein,[17] involving state confiscation of property of a British subject. Still other and later cases sustained both the pre-1789 and the post-1789 treaties, in protecting alien ownership and transfer of real property.[18]

In none of these cases, nor in any case decided by the United States Supreme Court involving the construction or effect of a treaty, can one find or discern an intention or purpose to regard a treaty as above the Constitution. On the contrary, the Court has repeatedly emphasized the subordinacy of treaties to the Constitution. In Geofroy v. Riggs,[19] the Court said:

> "It would not be contended that it [the treaty power] extends so far as to authorize what the Constitution forbids, or a change in the character of the government or in that of one of the states * * *."

16/ 3 Cranch 454 (1806).

17/ 4 Cranch 415 (1808).

18/ E.g., Orr v. Hodgson, 4 Wheat. 453 (1819); Society for the Propagation of the Gospel v. New Haven, 8 Wheat. 464 (1823); Fairfax's Devisee v. Hunter's Lessee, 7 Cranch 602 (1813); Chirac v. Chirac, 2 Wheat. 259 (1817); Hauenstein v. Lynham, 100 U.S. 483 (1879).

19/ 133 U.S. 258, 267 (1890). The whole of the quotation reads: "The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the government or of its departments, and those arising from the nature of the government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the government or in that of one of the States, or a cession of any portion of the territory of the latter, without its consent. Fort Leavenworth Railroad Co. v. Lowe, 114 U.S. 525, 541. But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country. Ware v. Hylton, 3 Dall. 199; Chirac v. Chirac, 2 Wheat. 259; Hauenstein v. Lynham, 100 U.S. 483; 8 Opinions Attys. Gen. 417; The People v. Gerke, 5 California 381."

In Doe, et al. v. Braden,[20] the Court said:

"The treaty is therefore a law made by the proper authority, and the courts of justice have no right to annul or disregard any of its provisions, unless they violate the Constitution of the United States."

In The Cherokee Tobacco,[21] the Court said:

"It need hardly be said that a treaty cannot change the Constitution or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our government."

In Missouri v. Holland,[22] the case which is allegedly the motivating force for the proposed amendment, the Court said:

"We do not mean to imply that there are no qualifications to the treaty-making power. * * * The treaty in question does not contravene any prohibitory words to be found in the Constitution."

In United States v. Minnesota,[23] the Court said:

"Of course, all treaties and statutes of the United States are based on the Constitution; * * * The decisions of this Court generally have regarded treaties as on much the same plane as acts of Congress, and as usually subject to the general limitations in the Constitution * * *."[24]

20/ 16 How. 635, 657 (1853).

21/ 11 Wall. 616, 620-621 (1870).

22/ 252 U.S. 416, 433 (1920).

23/ 270 U.S. 181, 207-208 (1926).

24/ See, to the same effect, Jones v. Walker, Fed. Cas. No. 7507, 13 Fed. Cas. at p. 1062; Amaya, et al. v. Stanolind Oil & Gas Co., 158 F. 2d 554, 556 (C.A. 5, 1946), certiorari denied, 331 U.S. 808; United States v. Thompson, 258 Fed. 257, 268 (E.D. Ark., 1919); Indemnity Insurance Co. of North America v. Pan American Airways, 58 F. Supp. 338, 339, 340 (S.D.N.Y., 1944).

In addition, the Supreme Court has dealt with specific issues involving claims that certain treaties violated express constitutional guaranties. In Prevost v. Greneaux,[25] the Court held that a tax which had accrued to a state was not divested by a subsequent treaty. Said the Court, "And certainly a treaty, subsequently made by the United States with France, could not divest rights of property already vested in the State, even if the words of the treaty had imported such an intention."

In Brown v. Duchesne,[26] the Court stated that a treaty could not provide for the taking of private property without just compensation.

In In re Ross,[27] it was contended that a treaty and implementing statute, providing for trial by a consular court of crimes committed by American citizens in Japan violated various constitutional guaranties of fair trial. The Court rejected the contention, not by stating that the treaty was above the Constitution, but by holding that the constitutional guaranties did not extend to crimes committed abroad.

On like reasoning, the Court has sustained extradition of American citizens.[28]

In Missouri v. Holland,[29] the contention that a treaty and implementing statute violated the Tenth Amendment was rejected on the ground that the treaty power was expressly delegated to the federal government, therefore its exercise did not infringe the reservation to the states

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25/ 19 How. 1, 7 (1856).

26/ 19 How. 183, 197 (1856).

27/ 140 U.S. 453 (1891).

28/ Neely v. Henkel (No. 1), 180 U.S. 109, 122-123 (1901); Wright v. Henkel, 190 U.S. 40, 53 (1903); Charlton v. Kelly, 229 U.S. 447 (1913).

29/ 252 U.S. 416 (1920).

of powers "not delegated." 30/

Not only does the Supreme Court regard treaties as subordinate to the Constitution, but it regards them as generally of the same dignity as statutes. Thus a treaty can be modified or repealed by a federal statute so far as its domestic effect is concerned.31/ So, the Court has held, to the extent that a treaty is self-executing as to become the law of the land, "it can be deemed in that particular only the equivalent of a legislative act." 32/

If there is one argument, which should be put to rest, it is that there is need for this constitutional amendment because the Constitution does not protect against a treaty which might impair rights of free speech, press, or religion. The argument stems from the wording of the First Amendment which, unlike the rest of the Bill of Rights, refers only to the Congress--that is, it reads, "Congress shall make no law respecting an establishment of religion, etc. * * *."

30/ See also Stutz v. Bureau of Narcotics, 56 F. Supp. 810 (N.D. Cal., 1944).

31/ Head Money Cases, 112 U.S. 580, 597-599 (1884); Chae Chan Ping v. United States, 130 U.S. 581, 600-603 (1889); see Moser v. United States, 341 U.S. 41, 45 (1951).

32/ Chae Chan Ping v. United States, supra, 130 U.S. at 600; see United States v. Minnesota, 270 U.S. 181, 208. Not only does it appear clear that treaties are subject to constitutional limitation, but it is equally clear that they are subject to judicial review. To hold otherwise would create the anomalous position that although the courts could deny enforcement of a treaty on the ground it was inconsistent with a later act of Congress they were without power to do so on the ground of inconsistency with the Constitution. The power of federal courts to invalidate acts of Congress contrary to the Constitution was implied from the propositions that a statute could not overrule the Constitution, that the federal judiciary had jurisdiction over cases arising under the Constitution, and that it was sworn to uphold the Constitution. Marbury v. Madison, 1 Cranch 137, 176-180 (1803). The same reasoning applies to treaties. Cf. Taylor v. Morton, Fed. Case No. 13,799, 23 Fed. Cases at 785 (C.C.D. Mass., 1855). But in any event from the decisions already cited it is obvious that the power to examine into the constitutional validity of treaties has been assumed by the Supreme Court.

The fact is that the First Amendment is not limited to action of the Congress. The courts have regarded it as prohibiting any action by the federal government, or any of its branches, impairing freedon of speech, press, or religion, or the rights of assembly and petition. In the cases arising under the President's Loyalty Order, Executive Order No. 9835, the First Amendment was assumed to be applicable to Presidential action. 33/ The First Amendment has been assumed to apply to orders of administrative agencies, 34/ to judicial proceedings punishing for contempt of court, 35/ to acts of a territorial legislature, 36/ and to the conduct of agencies for the District of Columbia. 37/ In the latter connection, only last year, the Supreme Court said that the First and Fifth Amendments "concededly apply to and restrict * * * the Federal Government," and held that an order of the Public Utilities Commission of the District of Columbia amounts to sufficient federal government action to make the First and Fifth Amendments applicable thereto. 38/

In addition, the liberties protected by the First Amendment have all been held to be encompassed in the liberties guarded from invasion

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33/ Joint Anti-Fascist Committee v. McGrath, 341 U.S. 123, 135-136, 143, 199-200 (1951), reversing on other grounds Joint Anti-Fascist Refugee Committee v. Clark, 177 F. 2d 79, 84, 87-88 (C.A.D.C., 1949); Bailey v. Richardson, 182 F. 2d 46, 59-60, 71-74 (C.A.D.C., 1950) affirmed by an equally divided court, 341 U.S. 918 (1951).

34/ National Broadcasting Co. v. United States, 319 U.S.190, 226-227 (1943).

35/ Toledo Newspaper Co. v. United States, 247 U.S. 402, 419-420 (1918) (overruled on other grounds, Nye v. United States, 313 U.S.33, 47-52 (1941)).

36/ Davis v. Beason, 133 U.S. 333 (1890).

37/ Public Utilities Commission v. Pollak, 343 U.S. 451 (1952).

38/ 343 U.S. at 461-463.

on the part of the states by the "due process" clause of the Fourteenth Amendment. Thus freedom of speech,[39] freedom of the press[40] including motion pictures,[41] and freedom of religion,[42] are all within the "due process" protection of the Fourteenth Amendment. Hence they are presumably within the "due process" protection of the Fifth Amendment, which is a clear limitation upon the whole of federal governmental action. As Judge Edgerton stated in Joint Anti-Fascist Refugee Committee v. Clark,[43]

> "Read literally, the First Amendment of the Constitution forbids only Congress to abridge these freedoms. But as the due process clause of the Fourteenth Amendment extends the prohibition to all state action, the due process clause of the Fifth must extend it to all federal action."

It is unlikely that any court has ever held otherwise, and no amendment of the Constitution appears to be needed to prevent abridgement by treaty or executive agreement of the essential liberties guaranteed by the Bill of Rights or by the Constitution as a whole.

Enactment of an amendment confirming that which is already the law would be a most unusual act in our constitutional history. Except for the first ten amendments, which for all intents and purposes were contemporanecusly adopted as part of the original organic act, each of the subsequent amendments to the Constitution has been adopted to meet

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39/ Gitlow v. New York, 268 U.S. 652 (1925).

40/ Near v. Minnesota, 283 U.S. 697 (1931).

41/ Burstyn v. Wilson, 343 U.S. 495 (1952).

42/ Murdock v. Pennsylvania, 319 U.S. 105, 108 (1943); McCollum v. Board of Education, 333 U.S. 203 (1948).

43/ 177 F. 2d 79, 87; see note 45 supra.

an existing unequivocal deficiency or need. Not only is there a paucity of legal materials to make a case for the amendment, but it is significant to note from the hearings held in the past and the literature on the subject that the sponsors of S. J. Res. 1 are not seriously complaining about any treaty heretofore adopted by the United States. The complaints are addressed to the possibility that the United States might in the future consider adopting certain treaties or conventions, such as the human rights covenants, the freedom of information conventions, and the statute of an international criminal court, which are either in draft stage before certain bodies of the United Nations, or which have little chance of submission for adoption by the executive branch of this Government based on pronouncements already made by representatives of the United States.

But, more than being unusual and unprecedented, an amendment of the Constitution, which purports to be confirmatory or declaratory of that which is already the law, may be unexpectedly damaging. Reckoning, as we must, with the justifiable tendency of courts and others to give an altering significance to an amendment of the organic act, let us consider proposed section 1 of S. J. Res. 1. It was derived from the American Bar Association proposal of February 26, 1952, 44/ which reads as a whole:

> "A provision of a treaty which conflicts with any provision of this Constitution shall not be of any force or effect. A treaty shall become effective as internal law in the United States only through legislation by Congress which it could enact under its delegated powers in the absence of

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44/ 38 ABA Jour. 435-436 (May 1952).

such treaty." (S. J. Res. 43 follows this language.)

The whole of this proposal had the more far-reaching purpose of altering the Constitution as it was adopted in 1789, and interpreted in the intervening years. That purpose was and is to reduce the constitutional scope of treaty making and the subjects of treaties, and to eliminate the self-executing effect of those treaties that can presently be self-executing, by requiring the legislative action of Congress but limited by the measurement of its delegated powers under the Constitution absent any treaty. The effect sought is a very definite change in the constitutional distribution of powers, by giving the federal government less than the whole of the treaty power and reserving part of it to the states. It would reverse Missouri v. Holland and predecessor cases and undoubtedly, among other things, make of the Tenth Amendment to the Constitution a limitation on the treaty power.

In such circumstances, it is quite conceivable that the partial adaptation of the American Bar proposal in section 1 of S. J. Res. 1 might be construed by a court to be more than confirmatory of existing law and to have some of the altering effect desired by the sponsors of the ABA proposal. A "right enumerated in this constitution" might be deemed to be a right or power allegedly "reserved to the States respectively, or to the people" under the Tenth Amendment.

The same criticism is of course true of the corresponding provision in S. J. Res. 43 which is the original American Bar Association proposal.

Whether or not these or different meanings would ultimately be attributed to the amendment by the courts, certain it is that there would be opened an enormous source of contest and litigation which would hamper the government at every step in the conduct of presently normal business, and render doubtful the actions taken.

The history of the past and the decisions of our courts are completely reassuring on the place of the treaty power in the constitutional scheme. They render unnecessary the amendment proposed. Combined with the constitutional checks and balances of two-thirds of the Senate on the President in treaty-making, of the Congress on both in erasing undesired domestic effects, and of the courts on all in judging the constitutionality of the results, they constitute as strong a legal guaranty against unbridled exercise of the treaty power as the ingenuity of man has devised in any effectively working political system.

"Sec. 2. No treaty shall authorize or permit any foreign power or any international organization to supervise, control, or adjudicate rights of citizens of the United States within the United States enumerated in this Constitution or any other matter essentially within the domestic jurisdiction of the United States."

/S. J. Res. 43 has no similar provision./

The purpose of this section is said to be to prevent future adoption of certain kinds of treaties, such as the incompleted drafts of covenants on human rights.

However, it is conceivable that were section 2 in force now or earlier, it would have prevented this country entering a number of kinds of international agreements of importance to us.

The provision prohibiting a treaty (or, under section 4 which is hereafter discussed, any other international agreement) which would authorize or permit any foreign power or international organization to supervise, control, or adjudicate rights of citizens of the United States within the United States would throw doubt upon, if not nullify, the use of mixed claims commissions to settle or adjudicate damage claims of United States citizens. An example of a number of these is found in the Claims Convention of 1868 between the United States and Mexico[45] under which an international commission, appointed by the President of the United States and by the President of the Mexican Republic, was given authority to finally determine claims for personal injuries and property damage inflicted on both sides of the border by authorities of one government or the other. The compiler's note to the Convention shows that the Commission concluded its work in 1876 rendering awards in favor of United States citizens of over four million dollars as against approximately $150,000 in favor of Mexican citizens.[46]

45/ 1 Malloy, Treaties, 1128.

46/ 1 Malloy, Treaties, 1131.

Were it in force, the proposed constitutional provision might have prevented or jeopardized American participation in international arbitration of claims of American citizens or of disputes involving the domestic jurisdiction, either on grounds that the arbitrators constitute an international commission or organization, or that foreign governments are participants in the choice of the arbitrators who variously supervise or control or adjudicate rights involved. A current example is the authorization in the President to conclude and give effect to agreements for the settlement of intercustodial conflicts involving enemy property.[47] These agreements, such as the Brussels Agreement of 1947 to which the United States is party with six other countries, involve among others the property rights of Americans by reason of their joint ownership of certain enemy property or of corporate stock controlling ownership of such property. In the event of a dispute, a conciliator from a panel of seven elected by the seven member countries shall formulate a solution which is binding.[48]

An example of an arbitration which might impinge on the domestic jurisdiction is contained in section 21 of the United Nations Headquarters Agreement,[49] concerning the headquarters located in this country and providing for arbitration of disputes respecting the interpretation and application of the Agreement.

The proposed constitutional provision would seriously affect boundary arrangements, past and present, with our northern and southern neighbors. It could invalidate the existing 1909 boundary treaty between the United States and Canada,[50] insofar as Articles III, IV, and VIII of the agreement give to the International Joint Commission (3 American and 3 Canadian members) ultimate approving power over

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47/ 64 Stat. 1079.

48/ See Article 37A of the Brussels Agreement, and the background described in H. Rept. 2770, 81st Cong., August 1, 1950.

49/ 61 Stat. 756, 764.

50/ 36 Stat. 2448, T.S. 548.

uses, obstructions, or diversions of waters on either side of the boundary line.

The provision that no treaty (or other international agreement) shall authorize or permit any foreign power or international organization to supervise, control, or adjudicate any matter essentially within the domestic jurisdiction of the United States may be particularly troublesome. Its alleged purpose is to "make effective, insofar as the United States is concerned, the prohibition of Article 2, paragraph 7, of the U. N. Charter forbidding U. N. intervention in purely domestic matters."[51/] Article 2, paragraph 7, of the United Nations Charter now provides

> "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

Laying aside any question of conflict between the proposed constitutional amendment and the latter part of the quoted provision regarding Chapter VII (which deals with Security Council action in respect of threats to the peace, breaches of the peace, and acts of aggression), it should be observed that this provision of the Charter is part of our law,[52/] and is already an existing protection if needed against the United Nations. Elsewhere, when it was felt that such a safeguard was needed against a feared encroachment, it was included in the particular agreement, such as the United States acceptance of the so-called "compulsory" jurisdiction of the International Court of Justice under Article 36, paragraph 2,

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51/ 99 Cong. Rec. 161, January 7, 1953.

52/ 59 Stat. 1031.

of the Statute of the Court.[53] The acceptance (pursuant to Senate Resolution of August 2, 1946)[54] contains the reservation that the United States declaration shall not apply to "disputes with regard to matters which are essentially within the domestic jurisdiction of the United States of America as determined by the United States of America."[55]

The difficulty in freezing any such provision into the Constitution is that is becomes completely inflexible without any possibility of waiver by agreement when desirable. This would be true not only for the United Nations but regarding any other problem we may have with a foreign government or international organization. For example, in the past some of our consular conventions have allowed foreign consular officials certain judicial powers. The Convention with France of 1788[56] empowered French consuls in the United States to adjudicate all disputes arising within the United States between subjects of France (Art. 12) and to exercise police powers over French vessels (Art. 8). In Wildenhus's Case[57] the Supreme Court said that if such a treaty gave a consular official exclusive jurisdiction over a homicide committed on a vessel in port, the treaty would preclude prosecution for the offense by a state court; it held, however, that the treaty in question did not preclude prosecution by the state of New Jersey. It might be observed in this connection that the United States has treaties with other countries giving its consular officials judicial powers abroad

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53/ 59 Stat. 1031, 1060.

54/ T.I.A.S. 1598.

55/ 1 United Nations Treaty Series, p. 9; registration no. 3.

56/ 8 Stat. 106.

57/ 120 U.S. 1, 17-18 (1887).

which are regarded of great value.[58]

The proposed amendment might throw doubt upon our existing extradition treaties, or the extent to which we can grant extradition. To date the power to enter such treaties has never been questioned.[59] And it is well settled that, where the treaty so provides, an American citizen can be lawfully extradited to some other country to be tried in accordance with the laws of that country for an offense committed there.[60]

The host of agreements to which the United States has subscribed in the past in becoming a member of the many international organizations (such as the International Civil Aviation Organization, the International Telecommunications Union, the Universal Postal Union, the World Health Organization, the International Bank, and the International Fund, to mention but a few), all may require examination to ascertain the extent to which any such treaties or international agreements permit the international organization to supervise, control, or adjudicate a matter or matters "essentially within the domestic jurisdiction of the United States," let alone the rights of citizens of the United States. We can suppose that in a great measure this has been avoided by the several charters and agreements of the past. Nevertheless some of the useful and necessary techniques adopted would seem to infringe the constitutional amendment proposed, such as the Narcotic Drug Protocol of 1948,[61] under Article 1 of which the World Health Organization may add, to the list of drugs

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58/ Only recently the International Court of Justice had occasion to pass upon the extent of American consular court jurisdiction in Morocco, France v. United States of America, Case Concerning Rights of Nationals of the United States of America in Morocco, Judgment of August 27, 1952; I.C.J. Reports 1952, p. 176.

59/ Holmes v. Jennison, 14 Pet. 540, 569-570, 586, 588 (1840); Matter of Metzger, 5 How. 176, 187-188 (1847); Factor v. Laubenheimer, 290 U.S. 276 (1933).

60/ Neely v. Henkel (No. 1), 180 U.S. 109, 123 (1901); Charlton v. Kelly, 229 U.S. 447, 465-469 (1913); Valentine v. U.S. ex rel. Neidecker, 299 U.S. 5, 7 (1936).

61/ T.I.A.S. 2308.

capable of producing addiction, newly discovered drugs or compounds or synthetics; whereupon their manufacture and distribution is to be limited by the member states in accordance with the 1931 Convention and 1946 Protocol.

One cannot help but speculate upon what such a constitutional amendment would do to any efforts of the United States to achieve genuine international control in important fields relating to the peace and safety of the world. For example, the United States proposal of 1946, rejected by the Soviet Union, of an international agency for the control and development of atomic energy, included broad powers in the international agency for the management and ownership of all atomic activities potentially dangerous to world security, as well as power to control, inspect, and license all other atomic activities.[62/] The system of international inspection, which lay at the heart of the plan, clearly would conflict with the proposed constitutional amendment.

The point need not be belabored by reciting other like problems that must one day be the subject of international solution. In their regard we can ill afford to immobilize the one great peacetime weapon this country possesses, namely, the treaty-making power.

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62/ See International Control of Atomic Energy, Growth of a Policy, State Department Publication 2702 (1946); Policy at the Crossroads, State Department Publication 3161 (1948).

"Sec. 3. A treaty shall become effective as internal law in the United States only through the enactment of appropriate legislation by the Congress."

[On this subject, S. J. Res. 43 provides: "A treaty shall become effective as internal law in the United States only through legislation which would be valid in the absence of treaty."]

The purpose of this provision is to prevent treaties, which are intended to be and capable of being self-executing, from becoming self-executing; and to require, in all cases, that a treaty cannot become effective as internal law in the United States except through the enactment of legislation by the Congress.

S. J. Res. 43, the American Bar Association proposal, would go even further and would prevent a treaty from becoming internal law except through legislation which Congress could validly enact under its powers in the absence of the treaty, thereby limiting the scope or subject matter of treaties to those matters which are within the enumerated legislative powers of the Congress.

The solution, evolved by the constitutional convention of 1787, of placing treaty making in the President with the advice and consent of two-thirds of the Senators present, was the result of a great deal of thought, discussion, and compromise. John Jay, in No. 64 of The Federalist, and Alexander Hamilton in No. 75, have set forth the reasons for placing the treaty power in the President and two-thirds of the Senate. Hamilton described it as "one of the best digested and most unexceptionable parts" of the constitutional plan.

Because the capacity and prestige of the Senate in treaty-making and treaty-law-making is under challenge by the present proposal for amendment, I would urge every member of the Senate to review carefully these two essays by Jay and Hamilton, among others. I would call attention especially to the following paragraph from Jay's paper, which

goes directly to the point proposed by this amendment:

> "Some are displeased * * * because, as the treaties, when made, are to have the force of laws, they should be made only by men invested with legislative authority. These gentlemen seem not to consider that the judgments of our courts, and the commissions constitutionally given by our governor, are as valid and as binding on all persons whom they concern, as the laws passed by our legislature. All constitutional acts of power, whether in the executive or in the judicial department, have as much legal validity and obligation as if they proceeded from the legislature; and therefore, whatever name be given to the power of making treaties, or however obligatory they may be when made, certain it is, that the people may, with much propriety, commit the power to a distinct body from the legislature, the executive, or the judicial. It surely does not follow, that because they have given the power of making laws to the legislature, that therefore they should likewise give them the power to do every other act of sovereignty by which the citizens are to be bound and affected." 63/

The point is as valid now as it was in 1788. Nevertheless, because treaties were to have the force of laws, proposals were made to require concurrence of the House in the treaty-making process. These were submitted first at the constitutional convention, 64/ then at a number of the

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63/ The Federalist, No. 64

64/ 2 Farrand, Records of the Federal Convention, 392-394, 481, 495, 522-525, 527-529, 538 (proposal defeated 10 to 1), 540-541, 547-550.

later state ratifying conventions,[65] and still later on a number of occasions since the adoption of the Constitution.[66] They have invariably been rejected or dropped.

The present proposal would require two steps before a treaty could have domestic effect, first, the approval of two-thirds of the Senate and, second, reconsideration by the Senate and approval by the House. This is unprecedented, anywhere. In a State Department memorandum, dated May 23, 1952, already made available to you, there is summarized the constitutional requirements of various other countries for giving effect to treaties as internal law. It is pointed out that no other country in the world is required by its constitution or constitutional practice to follow such a double procedure. Moreover in the countries where participation by the legislature is required, such as the United Kingdom, the composition of the executive branch of the government is determined by the legislative body. The government in power in those countries accordingly controls both the executive and legislative powers. The defeat of an important law or treaty normally results in the formation of a new government in which the executive and legislative authority are in agreement.

65/ Pennsylvania, 2 Elliott's Debates 546; South Carolina, 4 Elliott's Debates 265-267, 280; Virginia, 3 Elliott's Debates 610; North Carolina, 4 Elliott's Debates 115, 119, 125, 131, 246. Some of this was mere discussion, and none got beyond the stage of a recommendation to the First Congress.

66/ See, proposal of Virginia Assembly, growing out of Congressional debate of the Jay Treaty with Great Britain (5 Annals of Congress 394, 400-401, 426-771), Acts of Virginia Assembly 1795, p. 55--no action taken on proposal; and see Proposed Amendments to the Constitution, H. Doc. 551, 70th Cong., 1st sess., 120-122; also H. J. Res. 60, 79th Cong., 1st sess. (H. Rept. 139), passed by the House May 9, 1945, 91 Cong. Rec. 4367-8. This last was a proposal to provide that treaties could be made by the President by and with the advice of both Houses of Congress, viz. a simple majority of both.

Not only is the double step unprecedented, but it is unnecessary. In the first place all treaties are not self-executing. And in the second place, existing law provides adequate means for participation by the House in cases where such participation is appropriate, without the necessity of a rigid requirement of such participation in all cases.

Looking at the law as it now stands, a treaty may, of its own force, be a law which binds the rights of individuals, and as such is to be regarded by a court as an act of Congress.[67] In that posture it is described as self-executing. As such it may override any inconsistent provision of a state constitution and law,[68] or municipal ordinance.[69] Also, it has an equal status with an act of Congress. Hence while so far as possible the treaty and statute will be construed to avoid inconsistency,[70] if there is clear inconsistency a later treaty will prevail over an earlier statute[71] and a later statute will prevail over an earlier treaty.[72]

But a treaty need not have a self-executing effect. The nature of the treaty obligation and the intention of the contracting states,

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67/ The Peggy, 1 Cranch 102, 110 (1801).

68/ Ware v. Hylton, 3 Dall. 199; Hauenstein v. Lynham, 100 U.S. 483.

69/ Asakura v. Seattle, 265 U.S. 332.

70/ United States v. Lee Yen Tai, 185 U.S. 213, 220-223; Pigeon River Co. v. Cox Co., 291 U.S. 138, 160-161.

71/ United States v. Lee Yen Tai, 185 U.S. 213, 220; Hijo v. United States, 194 U.S. 315, 324.

72/ The Cherokee Tobacco, 11 Wall. 616; Head Money Cases, 112 U.S. 580, 597-599; Chae Chan Ping v. United States, 130 U.S. 581, 599-603; see Pigeon River Co. v. Cox, 291 U.S. 138, 160; Moser v. United States, 341 U.S. 41, 45.

evidenced in the agreement, become important factors. Chief Justice Marshall stated it best in Foster v. Nielson:[73]

> "Our constitution declares a treaty to be the law of the land. It is, consequently, to be regarded in courts of justice as equivalent to an act of the legislature, whenever it operates of itself, without the aid of any legislative provision. But when the terms of the stipulation import a contract--when either of the parties engages to perform a particular act, the treaty addresses itself to the political, not the judicial department; and the legislature must execute the contract, before it can become a rule for the court."

Therefore whether or not a treaty is self-executing is a matter primarily of construction of the treaty. This is no different than the construction of a statute. The courts have regarded statutes and treaties on a par in determining their immediate effectiveness; and a statute, like a treaty, may be so framed as to make it apparent that it does not become practically effective until something further is done by Congress itself, or by some officer or body.[74]

73/ 2 Pet. 253, 314 (1829)

74/ Judge Putnam said in United Shoe Machinery Co. v. Duplessis Shoe Machinery Co., 155 Fed. 842, 845 (C.A. 1, 1907); "An examination of the decisions of the Supreme Court on this topic will show there is no practical distinction whatever as between a statute and a treaty with regard to its becoming presently effective, without awaiting further legislation. A statute may be so framed as to make it apparent that it does not become practically effective until something further is done, either by Congress itself or by some officer or commission intrusted with certain powers with reference thereto. The same may be said with regard to a treaty. Both statutes and treaties become presently effective when their purposes are expressed as presently effective; * * *"

From this brief summation of existing law, it is apparent that there are at least three means by which participation of the House may be obtained where appropriate.

First, the treaty as drafted, may stipulate or require that it be regarded as not self-executing. If its implementation requires appropriations or criminal sanctions or similar domestic legislation, it will necessarily depend on legislation passed by both Houses. In other situations, where the treaty might have internal effect, its terms may prevent it from being self-executing. A notable example is Arts. 55 and 56 of the United Nations Charter, obligating the parties to "promote" stated social and economic objectives and pledging themselves "to take joint and separate action" for the achievement of these purposes.[75/] Recently, the California Supreme Court held these provisions were non-self-executing.[76/]

75/ See, for other examples, the Convention for the Protection of Migratory Birds of August 16, 1916, 39 Stat. 1702, Art. VIII, legislation implementing which was involved in Missouri v. Holland, 252 U.S. 416, 431; the International Slavery Convention of Sept. 25, 1926, 46 Stat. 2185, obligating the parties to take "necessary steps," "adopt all appropriate measures," "take all necessary measures," etc. to achieve its objectives; the Genocide Convention, Senate Executive O, 81st Cong., which is cast in terms intended to make it non-self-executing; and present drafts of proposed conventions or covenants relating to human rights and to freedom of information, which are the alleged targets of the proposal to amend the Constitution and which are cast in non-self-executing terms.

76/ See Fujii v. State, 242 p. 2d 617 (Sup. Ct. Calif., 1952).

Second, the Senate, in the exercise of its power to impose reservations [77] may impose as a condition, to its consent to ratification, that the treaty shoudl not be considered self-executing. This should afford ample opportunity and scope for dealing with matters which the Senate feels ought not have a self-executing effect.

Finally, in an extreme case, there stands as a check on the President and Senate the power of Congress, by subsequent statute, to override the treaty insofar as its effect on domestic law is concerned.

77/ Haver v. Yaker, 9 Wall. 32, 35; see 98 Cong. Rec. March 20, 1952, pp 2602-3.

In general, these safeguards have worked well. The most conspicuous instance of dissatisfaction arose in connection with the Jay Treaty of 1794; but while the issue of the House's participation in commercial treaties was debated and a constitutional amendment was proposed by the Virginia legislature, no action was taken on that amendment by Congress or the other states.[78/]

A rigid requirement that no treaty can have domestic effect as law unless it goes through the second step of approval by both Houses of Congress would have seriously damaging consequences in those areas in which treaties have traditionally been self-executing. For example, treaties of commerce and friendship typically provide for the rights of aliens to hold, acquire, inherit, and dispose of property, to engage in businesses and professions, to be protected in their persons and property, to be free from burdensome taxation, and the like. Such treaties are almost invariably self-executing. When ratified by the Senate, they become domestic law. In case of conflict, they override inconsistent state law. No reason has been suggested why the efforts of the United States to secure adequate protection for the persons and property of its citizens abroad, whether transients or residents, should be impeded by making the process of adopting such treaties more burdensome and time-consuming than it now is. Nor have substantial objections been suggested to the long established practice respecting treaties of friendship and commerce and other types of treaties which have traditionally been self-executing.

It seems to me that the requirement of the double step in effectuating treaties would for all practical purposes debase the present constitutional

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78/ See note 66, *supra*.

function of the Senate in the treaty-making process. For, as a precaution against attack on provisions which might have some internal effect, it would become advisable, as a matter of practice, to submit all treaties for some form of legislative approval by both Houses. The separate two-thirds approval of the Senate would become merely an obstacle rather than an act of treaty making.

The American Bar Association addition (contained in S. J. Res. 43) to the change suggested by section 3 of S. J. Res. 1 would superimpose a major change in the relations between the federal and state governments, as well as seriously curtail the scope of the treaty power. The power to enter into treaties was granted by the Constitution without any express limitation as to the subject matter of possible treaties. At the constitutional convention of 1787, while there were suggestions that certain types of treaties, for example, treaties of peace, should receive different procedural treatment, there was no suggestion that the treaty power be limited as to subject matter. The framers were primarily impressed with the necessity, in the interest of national survival, of an adequate and effective power to make, and to enforce within the states, whatever treaties seemed appropriate to facilitate the conduct of foreign relations. At the constitutional convention it was generally agreed that the federal government should have the full and exclusive treaty power before any agreement was arrived at as to the scope of the legislative powers of Congress. The view of the framers is reflected in the letter from George Washington, dated September 17, 1787, transmitting the proposed Constitution to the Continental Congress: 79/

"The friends of our country have long seen and desired, that the power of making war, peace and treaties, that of levying

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79/ 2 Farrand, Records of the Convention, 666-667.

money and regulating commerce, and the corresponding executive and judicial authorities should be fully and effectually vested in the general government of the Union."

The view of the Supreme Court has always been that, "the treaty power of the United States extends to all proper subjects of negotiation between our government and the governments of other nations."[80/] Such treaties may have the force of domestic law, if they are self-executing, or may be implemented by legislation under the "necessary and proper" clause.

In Missouri v. Holland,[81/] the Court expressly rejected a contention that the United States could not by treaty and implementing act of Congress regulate the subject of migratory birds unless that subject came within the legislative powers delegated to Congress.[82/]

But that decision merely made explicit what had long been implicit, for in none of the cases involving treaty provisions had any question been raised as to whether the provision was within the general powers of Congress to legislate. It was enough that the matter was an appropriate subject for international negotiation.

The most usual types of treaties would be invalid if measured by the test of whether they came within the legislative powers of Congress.

80/ Geofroy v. Riggs, 133 U.S. 258, 266 (1890). See also Holmes v. Jennison, 14 Pet. 540, 569 (Opinion of Taney, C.J.) (1840); Holden v. Joy, 17 Wall. 211, 243 (1872); In re Ross, 140 U.S. 453, 463 (1891); Missouri v. Holland, 252 U.S. 416, 433-434 (1920); Asakura v. Seattle, 265 U.S. 332, 341 (1924); Santovincenzo v. Egan, 284 U.S. 30, 40 (1931).

81/ 252 U.S. 416.

82/ As the Court stated (252 U.S. 433): "It is obvious that there may be matters of the sharpest exigency for the national well being that an act of Congress could not deal with but that a treaty followed by such an act could, and it is not lightly to be assumed that, in matters requiring national action, 'a power which must belong to and somewhere reside in every civilized government' is not to be found."

For example, treaties relating to the rights of aliens to own land and personalty, to inherit property, and to transfer property by will or intestate succession;[83] treaties relating to rights of aliens to engage in trade or business, as applied to a business having no interstate character;[84] and treaties of extradition--where the crime was a purely domestic one within the foreign state.[85]

This does not mean that the treaty power is a "Trojan horse" which can bring about an unintended "change in the balance between federal and state power," as the American Bar Association Committee has contended.[86] It means simply that one of the powers which the Constitution delegated to the federal government, completely, was the treaty power. The framers clearly understood that the treaty power was very broad in scope and could reach many matters which would otherwise be solely of state concern. Nevertheless they gave that power exclusively to the federal government. It is the proposed denial to the federal government of a large part of the treaty power, granted by the Constitution and repeatedly exercised since the beginning of the Republic, which would produce "a change in the balance between federal and state power."

In this connection, reference has been made to the so-called Steel Seizure Case.[87] The Supreme Court held that the executive order of the President directing the Secretary of Commerce to seize and operate the

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83/ Chirac v. Chirac, 2 Wheat. 259; Hauenstein v. Lynham, 100 U.S. 483; Santovincenzo v. Egan, 284 U.S. 30.

84/ Asakura v. Seattle, 265 U.S. 332 (pawnbroker).

85/ Matter of Metzger, 5 How. 176, 187-188 (forgery); Charlton v. Kelly, 229 U.S. 447 (murder).

86/ Hearings p. 37. These are the hearings which were held in May, June 1952 on S.J. Res. 130 (82d Cong.) the predecessor of S.J. Res. 1 (83d Cong.)

87/ Youngstown Co. v. Sawyer, 343 U.S. 579 (1952).

steel mills which were then threatened with a strike, was not authorized by the Constitution or laws of the United States; and that the order and seizure could not stand. The vote of the Justices was six to three. Proponents of S. J. Res. 1 say,

"Mr. Chief Justice Vinson, dissenting in the Steel Seizure Cases, implied that the United Nations Charter and the North Atlantic Treaty gave the President power to seize private property. (Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 667 (1952).) Two other Justices joined with him in that opinion. Under the pressure of some future emergency, a majority of the Supreme Court may find that the treaty power authorizes action otherwise forbidden by the Constitution."[88/]

The reference to the United Nations Charter and the North Atlantic Treaty occurs in Part I of the dissent by Mr. Chief Justice Vinson and Mr. Justices Reed and Minton, 343 U.S. beginning at 667. The preface to the reference is this sentence: "In passing upon the question of Presidential powers in this case, we must first consider the context in which those powers were exercised." The references to the Charter and North Atlantic Treaty follow, and appear in describing the historical background of world conflict which the United States has faced from the close of World War II through the Korean conflict. Reference is made to the United Nations Charter and the North Atlantic Treaty as "congressional recognition that mutual security for the free world is the best security against the threat of aggression on a global scale." The dissent then proceeds to outline the congressional measures which followed the treaties chronologically, such as the Mutual Security Act, the Defense Production Act, and several appropriation acts. Then, after this recitation, the dissenters launch into their derivative

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88/ Bricker, "Safeguarding the Treaty Power," 13 Fed. Bar Journal 77, 79 (Dec., 1952).

conclusion with these opening words: "The President has the duty to execute the foregoing legislative programs. Their successful execution depends upon continued production of steel and stabilized prices for steel." 89/

It is, therefore, fairly clear that, whatever one's views may be on the merits of the dissent, certainly it rests on the view that the President's alleged power to seize the steel mills arose from his duty to execute the legislative programs of the Congress and not from any implication that any treaty gave the President power to seize private property. The adoption of S. J. Res. 1 or S. J. Res. 43 would not increase or diminish the chances that the minority's holding might some day become the majority holding.

The reason why the treaty power is not and should not be limited to matters which would otherwise be within the legislative powers delegated to Congress is clear. In regard to general legislative powers, those powers not delegated to the federal government are reserved to and may be exercised by the states under the Ninth and Tenth Amendments to the Constitution. Thus, there is no gap in powers. The power to make treaties is, however, expressly denied to the states by Art. I, Sec. 10 of the Constitution. Whenever a matter is an appropriate one for international negotiation and agreement, either the federal government must be capable of dealing with it by treaty, or the United States as a whole is lacking in an essential aspect of sovereignty and is seriously handicapped in its ability to deal with other nations. The point was succinctly stated by Attorney General Caleb Cushing, in 1857: 90/

> "The power, which the Constitution bestows on the President, with advice and consent of the Senate, to make treaties, is not

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89/ 343 U.S. 672, underscoring supplied.

90/ 8 Op. Atty. Gen. 411, 415.

only general in terms and without any express limitation, but it is accompanied with absolute prohibition of exercise of treaty-power by the States. That is, in the matter of foreign negotiation, the States have conferred the whole of their power, in other words, all the treaty-powers of sovereignty, on the United States. Thus, in the present case, if the power of negotiation be not in the United States, then it exists nowhere, and one great field of international relation, of negotiation, and of ordinary public and private interest, is closed up, as well against the United States as each and every one of the States. That is not a supposition to be accepted, unless it be forced upon us by considerations of overpowering cogency. Nay, it involves political impossibility. For, if one of the proper functions of sovereignty be thus utterly lost to us, then the people of the United States are but incompletely sovereign,--not sovereign,--nor in coequality of right with other admitted sovereignties of Europe and America."

The ABA proposal would therefore appear to be even more disruptive than the suggestion for change embodied in section 3 of S. J. Res. 1. Since any constitutional limitation of the scope of treaties would weaken the position of this nation at the international bargaining table, it is incumbent on the proponents of such a limitation to show a definite and compelling need for it. As I said at the outset of my statement, that showing is not made by pointing to particular treaties, not yet ratified or even submitted for ratification, which are said to be objectionable.

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"Sec. 4. All executive or other agreements between the President and any international organization, foreign power, or official thereof shall be made only in the manner and to the extent to be prescribed by law. Such agreements shall be subject to the limitations imposed on treaties, or the making of treaties, by this article."

[The comparable provision in S. J. Res. 43 reads as follows:

"Executive agreements shall be subject to regulation by the Congress and to the limitations imposed on treaties by this article."]

Along with the above quoted provisions of proposed section 4, it is probably necessary to consider the proposed provisions of S. J. Res. 2, 83d Congress, which sets out the kind of limitations the sponsors of S. J. Res. 1 have in mind in providing that executive agreements shall be made only in the manner and to the extent to be prescribed by law. Thus in addition to being subject to the limitations imposed on treaties and the making of treaties by the first three sections of S. J. Res. 1, executive and other international agreements, other than treaties, would be subject to the following:

1. They shall be of no force or effect as laws or as authorizations until and unless they have been published in full in the Federal Register.
2. They shall be subject to such legislative action as the Congress, in the exercise of its constitutional powers, shall deem necessary or desirable.
3. They shall be deemed to terminate not later than six months after the end of the term of the President during whose tenure they were negotiated, unless extended by proclamation of the succeeding President.

4. Agreements or compacts entered into by the President with foreign governments or officials requiring secrecy shall be submitted to the Congress as treaties in accordance with the requirements of the Constitution, otherwise they shall be of no force or effect except as personal undertakings of the President.

Most of the executive agreements have been and are in fact congressional-executive agreements, based upon the cooperation of the Congress and the President and the merger of their powers.

A comparatively small number of the total agreements has rested upon the sole action of the President. These have related to his express and exclusive constitutional powers as commander in chief of the army and navy, and his diplomatic powers as the sole organ of the federal government in the field of international relations, including the power to receive ambassadors and other public ministers. Thus the power to give permission without legislative assent for the introduction into this country of foreign (Mexican) troops was assumed to exist from the authority of the President as commander-in-chief of the military and naval forces of the United States;[91] and recognition of a foreign government (USSR) with incidental settlement of outstanding claims rested on the President's powers to receive ambassadors and other public ministers.[92]

In contrast to these types, there is the large bulk of executive agreements either authorized or ratified by Congress. These include the postal conventions; the acquisitions of territories such as Texas, Hawaii, and certain islands in the Great Lakes; the arrangements with

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91/ Tucker v. Alexandroff, 183 U. S. 424, 435 (1902).

92/ United States v. Belmont, 301 U. S. 324 (1937); United States v. Pink, 315 U. S. 203 (1942); and see Fraser, Treaties and Executive Agreements, Sen. Doc. 244, 78th Cong., pp. 20-27.

foreign powers in relation to commercial reciprocity agreements and the suspension of discriminating duties; extension of the privileges of copyright and the protection of trade-marks; agreements with the Indian tribes, which since 1871 supplanted the use of formal treaties; arrangements respecting fishing privileges of American citizens in foreign waters; the settlement of pecuniary claims against foreign governments, and the submission of such claims to arbitration; adherence by this country to membership in a score or more of international organizations; the trade and financial agreements, and agreements affecting international communications and transportation consummated in the 1930's and 1940's under authorization or policies laid down by acts of Congress.

The fact that there could be international agreements other than treaties was recognized in the Constitution itself, which, in Article I, Section 10, provides that no state shall enter into "any Treaty, Alliance, or Confederation," nor, without the consent of Congress, enter into any "Agreement or Compact * * *with a foreign Power." It was recognized by the Congress during Washington's first administration. In establishing the Post Office, Congress authorized the Postmaster General to make arrangements with the postmaster in any foreign country for the reciprocal receipt and delivery of mail. 1 Stat. 232, 239. Pursuant to authority conferred by this and later statutes postal carriage arrangements with Canada and postal conventions with many countries of the world were consummated. Almost 100 years after the first postal act Solicitor General William Howard Taft ruled:

> "From the foundation of the Government to the present day, then, the Constitution has been interpreted to mean that the power vested in the President to make treaties, with the concurrence of two-thirds of the Senate, does not exclude the right of Congress to vest in the Postmaster-General power to conclude

conventions with foreign governments for the cheaper, safer, and more convenient carriage of foreign mails."[93]

The frequency with which such agreements have been used is indicated by the fact that of the nearly 2,000 written international agreements entered into by the United States in the 150 years between 1789 and 1939, only some 800 were made by the formal treaty process.[94]

The Supreme Court has repeatedly recognized as well established "the power to make such international agreements as do not constitute treaties in the constitutional sense."[95] The Court has said in connection with an executive agreement, not submitted to Congress, that an international compact is not always a treaty requiring participation of the Senate.[96]

The important fact is that under the broad grants of power in the Constitution to the Congress and to the President other procedures than

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93/ 19 Op. Atty. Gen. 513, 520 (1890).

94/ Letter of April 25, 1947, from Acting Attorney General McGregor to Senator Wallace H. White, Jr., Chairman of the Senate Interstate and Foreign Relations Committee, regarding S. 11, 80th Congress.

95/ United States v. Curtiss-Wright Corp., 299 U.S. 304, 318 (1936). Altman & Co. v. United States, 224 U.S. 583 (1912) (commercial agreement authorized by the tariff acts); United States v. Belmont, 301 U.S. 324 (Litvinov assignment); United States v. Pink, 315 U.S. 203 (same).

96/ "A treaty signifies 'a compact made between two or more independent nations with a view to the public welfare.' Altman & Co. v. United States, 224 U.S. 583, 600. But an international compact, as this was, is not always a treaty which requires the participation of the Senate. There are many such compacts, of which a protocol, a modus vivendi, a postal convention, and agreements like that now under consideration are illustrations. See 5 Moore, Int. Law Digest, 210-221. The distinction was pointed out by this court in the Altman case, supra, which arose under §3 of the Tariff Act of 1897, authorizing the President to conclude commercial agreements with foreign countries in certain specified matters. We held that although this might not be a treaty requiring ratification by the Senate, it was a compact negotiated and proclaimed under the authority of the President, and as such was a 'treaty' within the meaning of the Circuit Court of Appeals Act, the construction of which might be reviewed upon direct appeal to this court." United States v. Belmont, 301 U.S. at 330-331.

formal treaty-making have developed and have been utilized throughout our history for entering into international agreements on important subject matters with more or less the same legal and practical consequences. Care must therefore be exercised, in any consideration of altering the full foreign affairs power, not to cut off, inadvertently or otherwise, functions, practices and methods of operation that have developed usefully and to our advantage, and without which our facility in dealing with other nations would be hampered and restricted.

Considering again the limiting effect of proposed section 2 of S. J. Res. 1, there would appear to be no more justification for such limitations on the scope or the subject matter of executive agreements than in the case of treaties. Each form of international agreement may be an appropriate means for the exercise of the federal power over foreign affairs--a power which because it is exclusive must be plenary.

As to the question raised by section 3 of S. J. Res. 1, whether an act of Congress ought to be required to give an international agreement domestic effect, most so-called executive agreements are either authorized or ratified by Congress. Hence section 3 of S. J. Res. 1 would seem to have little significance for such agreements. As to executive agreements not submitted to Congress, issues whether such agreements can override state law have seldom arisen and are not usually likely to arise because of the general external use and application of such agreements. In the Belmont and Pink cases, it was held that such agreements incident to recognition of a foreign government could override state policies; however, a like result has been reached as to declaration of federal policy incident to recognition or non-recognition even where no international agreement is involved, on the ground that the federal executive has the exclusive power to recognize or refuse to recognize foreign governments and to determine

the consequences of recognition or non-recognition.[97]

The legislative limitations proposed in S. J. Res. 2 raise certain problems. For example, there is the provision that executive and other agreements shall be subject to the legislative action of Congress in the exercise of its constitutional powers. As already noted, most executive agreements are either authorized or ratified by Congress. Moreover Congress has the power to supersede a treaty insofar as it declares rules of domestic law, and it seems obvious that Congress has like power as to agreements other than treaties. Viewed from this aspect, the proposed provision of law seems to state merely the obvious, and would not seem to be needed. If, however, the provision is intended to assert legislative control over international action taken by the President in the exercise of his constitutional powers as commander-in-chief, or his powers to conduct foreign affairs,[98] it would raise grave implications for the principle of separation of powers on which our Constitution is based.

The provision that executive agreements would terminate, unless extended, after the end of the term of the President within whose tenure they were negotiated, would impose crippling impediments to the effective negotiation of and adherence to all sorts of executive agreements, frequently of an administrative character, whose nature presupposes a relatively long term. The effect of such provisions on long-term agreements

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97/ Latvian State Cargo & Passenger S.S. Line v. McGrath, 188 F. 2d 1000 (C.A.D.C., 1951), certiorari denied, 342 U.S. 816.

98/ cf. United States v. Belmont, 301 U.S. 324.

relating to the administration of military bases, for example, has been pointed out in the memorandum submitted to last year's subcommittee by the Department of Defense. 99/

99/ Hearings on S. J. Res. 130 (82d Cong.), pp. 365-367. A number of the other problems arising from section 4 of S. J. Res. 1 and the whole of S. J. Res. 2 are dealt with in papers that were submitted in regard to S. J. Res. 130 and S. J. Res. 122 of the 82d Congress, and are spotted in various places in the Hearings.

CONCLUSION

What I have stated in regard to the several sections of S. J. Res. 1 and S. J. Res. 43 can be summed up in a sentence: The proposed amendments are both unnecessary and damaging.

Our Constitution is a sacred document. We have a reverence for it that does not admit readily of changes. Its words, as Holmes has said, "called into life a being the development of which could not have been foreseen completely by the most gifted of its begetters."

Without any clear showing of abuse in the past, the proposals would change our constitutional standards which have worked well, over the years. They would substitute a new inflexible standard which would seriously restrict the ability of the United States to conduct foreign relations effectively. They would deny to the United States, in its dealings with other nations, rights of sovereignty which other nations exercise. They would make international agreements of all kinds more difficult to negotiate and enforce. S. J. Res. 43 particularly would seriously alter the existing balance of federal-state relations.

The proposals would impose these restrictions based upon an asserted likelihood that the treaty power might be abused. These dangers, we are told, flow mainly from agreements which have not been approved by the executive branch of the government let alone submitted to the Senate for ratification.

Whether those, or other agreements, should ever be accepted as good treaties or rejected as bad treaties would seem to be, as always, matters for executive and legislative judgment when the issues arise, case by case, in the future. That is the traditional way under our system of justice, based upon the English common law, to meet and cope with changing conditions.

In these times, our position in the world is relatively as fraught with peril as it was for the nation newly launched under the Constitution of 1789. On every hand we have need for friends and allies—the old who have dealt securely with us in the past, the new who can rely upon the example of the past. I think it is against the best interests of the country to inflexibly reduce the tried and proven means, or to dissipate our responsibility and authority, for meeting the world-wide issues which affect the welfare of the United States.

From
TORNEY GENERAL
to
Official indicated below by check mar

Solicitor General	
Deputy Attorney General	
Executive Assistant to the Attorney General	
Assistant Attorney General, Anti-Trust	
Assistant Attorney General, Tax	
Assistant Attorney General, Claims	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal	
Assistant Attorney General, Exec. Adjudications	
Administrative Assistant Attorney General	
Accounts Branch	
Records Administration Branch	
Procurement Section	✓
Director, FBI	
Director of Prisons	
Director, Office of Alien Property	
Commissioner, Immigration and Naturalization	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Librarian	
Director of Public Information	
Miss McCarthy	
Mr. Kelly	
Mr. Russo	
Mrs. White	
Mrs. Burke	
Mrs. Willingham	
Mrs. Hessom	
Miss Russen	

MEMORANDUM

From
THE ATTORNEY GENERAL
to
Official indicated below by check mark

Solicitor General	
Deputy Attorney General	
Executive Assistant to the Attorney General	
Assistant Attorney General, Anti-Trust	
Assistant Attorney General, Tax	
Assistant Attorney General, Claims	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal	
Assistant Attorney General, Exec. Adjudications	
Administrative Assistant Attorney General	
Accounts Branch	
Records Administration Branch	
Procurement Section	
Director, FBI	✓
Director of Prisons	
Director, Office of Alien Property	
Commissioner, Immigration and Naturalization	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Librarian	
Director of Public Information	
Miss McCarthy	
Mr. Kelly	
Mr. Russo	
Mrs. White	
Mrs. Burke	
Mrs. Willingham	
Mrs. Hessom	
Miss Russen	

MEMORANDUM

Mr. Tolson ✓
Mr. Ladd
Mr. Nichols
Mr. Belmont
Mr. Clegg ✓
Mr. Glavin
Mr. Harbo
Mr. Rosen
Mr. Tracy
Mr. Gearty
Mr. Mohr ✓
Mr. Winterrowd
Tele. Room
Mr. Holloman
Mr. Sizoo
Miss Gandy

FROM DO-7

OFFICE OF DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

TO
OFFICIAL INDICATED BELOW BY CHECK MARK

Mr. Tolson	( )
Mr. Ladd	( )
Mr. Nichols	( )
Mr. Belmont	( )
Mr. Clegg	( )
Mr. Glavin	( )
Mr. Harbo	( )
Mr. Rosen	( )
Mr. Tracy	( )
Mr. Mohr	( )
Mr. Winterrowd	( )
Mr. Holloman	( )
Mr. Sizoo	( )
Miss Gandy	( )
	( )

91190

See Me	( )
Note and Return	( )
For Your Recommendation	( )
What are the facts?	( )

Remarks:

G.I.R.-9

G.I.R.-9

62-98585-

NOT RECORDED
13 JAN 7 1953

CRIMINAL

8 JAN 22 1953

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director

DATE: May 1, 1953

FROM : F. C. Holloman

SUBJECT: NAME CHECKS FOR DEPARTMENT

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

[redacted] in the Department, transmitted the attached list of names to be checked in the Bureau's files, these individuals having requested autographs or photographs of the Attorney General.

b6
b7C

Records Section advises nothing derogatory appears in Bureau files on the attached list of names and [redacted] was so advised on this date.

Attachment
eff

RECORDED - 59

INDEXED - 59

62-98585

38 MAY 13 1953

EX - 111

67

67 MAY 22 1953

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : [redacted]

FROM : [redacted]

DATE: 4-30-53 b6 b7C

SUBJECT: Name checks

May we plesse have a name check on the following:

Robert I Stevens
9 Peacock Lane
Levittown, Long Island, N.Y.

Randil F. Rehrig
315 Amherst Avenue
Lincoln Park, Penna.

Thank you,

62-[illegible]

5/1

4-22

Subj: Randal F. Kehoe

Address: _____

Birthdate: _____ SUPV: _____

Misc: _____

R# _____ Date 4/30 Searcher Initial L 22

FILE NUMBER	SERIAL
NR	

4-22

Subj: Robert D. Stevens

Address: _____

Birthdate: _____ SUPV: _____

Misc: _____

R# 2?? Date 4/30 Searcher Initial L. 22

	FILE NUMBER	SERIAL
	Robert Steven (Blood)	
NY	121-4-696829	
	Robert	
NY	10-692-183, 194,	
NY	29-5892-1344X, 1425,	
NY	61-10498-6970 #22.	
NY	62-33783-353	
NY	65-8946-2021	
NY	65-59915-61	
NY	94-1-327-74	
ND	94-4-39-9656	
NY	94-4-925-87	
NY	98-8195-1	
NY	100-49506-4, 4,	
NY	100 26952?-1	

4-22

Subj: Robert D. Stevens

Address: _____

Birthdate: _____ SUPV: _____

Misc: _____

R# _____ Date 4/30 Searcher Initial L-22

	FILE NUMBER	SERIAL
	Robert	
NK	117-846-1	
NY	121-0-62477	

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director

DATE: April 29, 1953

FROM : F. C. Holloman

SUBJECT: NAME CHECKS FOR DEPARTMENT

b6
b7C

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

HERBERT BROWNELL

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File

Attachment
e ff

RECORDED - 59

INDEXED - 59

62 98585 68

33 MAY 13 1953

57 MAY 22 1953

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO [redacted] FBI

FROM [redacted] Administrative Asst. Records Branch

DATE: 4-27-53

b6
b7C

SUBJECT: Name checks

May we have a name check on the following:

Pinky Ginsberg
185 Adams Ave.,
Memphis, Tenn.

Henri A. Abt
German-American Trade Promotion Office
Suite 2900 Empire State Bldg.
350 Fifth Ave.,
New Yorkl, N.Y.

John E. Boos
21 Dudley Heights
Albany, New York

Jerry Evans
14 Brownson St.,
Binghamton, New York

Walter P. Schuck
30 Jones St.,
New York 14, N. Y.
(Kandelsblatt
Deutsche Wirtschaftszeitung)

[redacted]

Please check organizations -- Thank you.

4-29-53

4-22

Subj: Walter F. [redacted] Schmidt

Address: 30 Lower St

Birthdate: Unk. SUPV: _____

Misc: _____

R# _____ Date 4-27 Searcher Initial D-28

	FILE NUMBER	SERIALS
NI	62-62736-2-1148	5, 6326 NI
NI	64-2800-1095	5, 531 NI
NI	64-2800-A-512	
NI	64-2802-598	3, 513 NI
NI	64-3804-A-572	
NI	65-6758-43	60 NI
NI	100-58256-49	
NI	100-197706-2	
	Walter	
NI	62-77787-4521	
NI	62-62736-2-14585	
NI	62-62736-3-4571	
NI	65-40282-68	109 NI
NI	65-43302-3298	
NI	65-46006-31	36, 70, 134 NI NI NI
NI	100-48143-3	

4-22

Subj: Walter P. Schuh

Address: 30 Green St.

Birthdate: Unk. SUPV: _____

Misc: _____

R# _____ Date 4-27 Searcher Initial S-28

	FILE NUMBER	SERIAL
	Walter	NY
NY	100-582256-32	50
NY	100-120277-12	
NY	100-335487-46	
	Walter O.	
NY	64-20149	

4-22

Subj: Handelsblatt Deutsche

Address: Wertschaftszeitung

Birthdate: _____ SUPV: _____

Misc: _____

R# _____ Date 4-27 Searcher Initial KJ-28

FILE NUMBER	SERIALS
NR	

4-22

Subj: Jerry [redacted]

Address: 141 Brownson St

Birthdate: _____ SUPV: _____

Misc: Bergenton NJ

Searcher

R#_____ Date 4-27 Initial 4-28

	FILE NUMBER L.T.L.	SERIALS
NI	100-338892-35	
NI	94-4-39-10658	

b6
b7C
4-22

Subj: [redacted]

Address: _____

Birthdate: _____ SUPV: _____

Misc: _____

R# _____ Date 4/27 Searcher Initial SJG

	FILE NUMBER	SERIAL
	[redacted]	
N	105-11191-107	
	[redacted] (Bew)	
T	62-60527-27619	
	[redacted]	
T	64-175-232-883	
M	116-175295-14	

4-22

Subj: German-American

Address: Wash. Propositions Office

Birthdate: _____ SUPV: _____

Misc: _____

R# _____ Date 4/27 Searcher Initial JJ29

FILE NUMBER	SERIAL
NR	

4-22

Subj: Dunbar, Pinky

Address: 185 Adams Ave

Birthplace: Memphis SUPV: Tenn

Misc:

R# _____ Date 4/27 Searcher Initial JG

FILE NUMBER	SERIAL
NR	
P.	
NR	

4-22

Subj: Boos, John L

Address: _____

Birthdate: _____ SUPV: _____

Misc: _____

R# _____ Date 4/27 Searcher Initial SJG

	FILE NUMBER	SERIAL
	John	
NI	100-331532-2	
NI	100-227106-1, 2, 3 NI NI	
NI	61-7586-143	

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director

DATE: April 30, 1953

FROM : F. C. Holloman

SUBJECT: NAME CHECKS FOR DEPARTMENT

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

b6
b7C

HERBERT O BROWNELL

[redacted] in the Department, transmitted the attached list of names to be checked in the Bureau's files, these individuals having requested autographs or photographs of the Attorney General.

Records Section advises nothing derogatory appears in Bureau files on the attached list of names and [redacted] was so advised on this date.

Attachment
eff

1 ENCL
59

RECORDED - 59
INDEXED - 59

62 98585 69
MAY 13 1953
38

EX - 111

67 MAY 22 1953

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO [redacted] FBI

DATE: 4-29-53

FROM [redacted] Administrative Aide, Records branch

b6
b7C

SUBJECT: Name checks

May we please have a name check on the following:

Dennis T. Karas
417 Lilac Street
East Chicago, Indiana

Frank Milton Clements
43 Irving Street
Malden 48, Massachusetts

Willis Platt
R.F.D. #1
Binghamton, New York

[redacted]

Thank you.

62-78545-64

4-22

Subj: Platt, Willie

Address:

Birthdate: SUPV:

Misc:

R# Date 4-29 Searcher Initial JLS

	FILE NUMBER	SERIAL
NR	47-15971-1	
NR	100-303947-4	
NR	100-262553-1	
	cov. William L Tipton	
NR	65-56402-1290, 850	
NR	66-2542-2-6-51	
NR	74-1333-2900 p 78	
NR	65-34433-62	
NR	100-7326-227 p 2727	
NR	100-215167-1	
NR	100-340449-2	
NR	65-28538 main	

4-22

Subj: Dennis T. Karas

Address:

Birthdate: SUPV:

Misc:

R# Date 4-29 Searcher Initial S-25

FILE NUMBER	SERIAL
NR	
Dennis	
NR	
D.T.	
NR	

4-22

Subj: Clemente, Frank Walter

Address:

Birthdate: SUPV:

Misc:

R# Date 4/99 Searcher Initial

FILE NUMBER	SERIAL
MM.	

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director

DATE: April 29, 1953

FROM : F. C. Holloman

SUBJECT: NAME CHECKS FOR DEPARTMENT

HERBERT BROWNELL

b6
b7C

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

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Attachment
eff

ENCL 59

RECORDED - 59
INDEXED - 59

62-98585-70

EX - 111

38 MAY 13 1953

67 MAY 22 1953

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO [redacted]

FROM

DATE: 4-27-53

b6
b7C

SUBJECT: Name checks

May we please have a name check on the following persons:

Charles A. Ellicock
3688 Steathaven Road
Shaker Heights,
Cleveland, Ohio

James B. Neff
3704 Brotherton Road
Cincinnati 9, Ohio

James E. Grice
201 Alamo St.,
Greenville, South Carolina

L. E. Traywick
Assoc, Prof. Economics
Michigan State College
East Lansing, Michigan

Thank you

[redacted]

4-29-53

62-91055-70

4-22

Subj: [redacted]

Address: [redacted] b6

Birthdate: [redacted] SUPV: [redacted] b7C

Misc: [redacted]

R# 739 Date 4-27 Searcher Initial JG

	FILE NUMBER	SERIAL
Ly ND	94-4-39-9630	
	James	
NI	17-540-B	
NI	94-1-2212-9	
ST	100-62018-471X	
NI	98-27052- J	
NI	98-19377-4	
	J.B.	
NI	100-192659-14	

4-22

Subj: [redacted]

Address: _____

Birthdate: _____ SUPV: _____ b6 b7C

Misc: _____

R# _____ Date 4-22 Searcher Initial DC

	FILE NUMBER	SERIAL
N	94-4-39-1586	5.32
	C.A.	
ND	NR	

4-22

Subj: Grice, James E

Address: _____

Birthdate: _____ SUPV: _____

Misc: _____

R# _____ Date 4-27 Searcher Initial CC

FILE NUMBER	SERIAL
	5-32
NR	
J. E.	
NR	

4-22

Subj: Traywick L. E

Address: _____

Birthdate: _____ SUPV: _____

Misc: _____

R# _____ Date 4-27 Searcher Initial JAG

	FILE NUMBER	SERIAL
	NR	

May 12, 1953

Mrs. Herbert Brownell, Jr.
Lee House
15th and L Streets, Northwest
Washington, D. C.

Dear Mrs. Brownell:

I did want to send you this personal note to invite you and your family to attend the graduation ceremonies of the Fifty-first Session of the FBI National Academy at 10:30 a.m. on June 12, 1953, at the Departmental Auditorium.

Mr. Brownell, of course, will be one of the principal speakers at this affair, and I do believe you would find the event to be a most pleasant experience.

In the event you can honor us with your presence, please let me hear from you, and I will be very happy to make the necessary transportation arrangements.

Sincerely yours,

J. Edgar Hoover

RECORDED-53 62-98585-71

INDEXED MAY 13 1953 130

COMM - FBI MAY 12 1953 MAILED 31

EX-130

MAY 12 2 30 PM '53 U.S. DEPT. OF JUSTICE RECEIVED DIRECTOR

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

RHD:grs:bkh

MAY 20 1953

171

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 8 1953

TELETYPE

Mr. Tolson
Mr. Ladd
Mr. Nichols
Mr. Belmont
Mr. Clegg
Mr. Glavin
Mr. Harbo
Mr. Rosen
Mr. Tracy
Mr. Gearty
Mr. Mohr
Mr. Winterrowd
Tele. Room
Mr. Holloman
Mr. Sizoo
Miss Gandy

FBI NYC 5-8-53 3-07 AM JJM

DIRECTOR URGENT

PERSONAL ATTENTION - THE DIRECTOR

RE ATTORNEY GENERAL HERBERT W. BROWNELL. PER INSTRUCTIONS OF ASSISTANT TO THE DIRECTOR L. B. NICHOLS, AG BROWNELL WAS MET LAST NIGHT AT FIVE FORTYFIVE P. M., AT PENN STATION BY SA THOMAS F. RING. MR. BROWNELL WAS DRIVEN TO THE WALDORF ASTORIA HOTEL. HE WAS ACCOMPANIED BY HIS CONFIDENTIAL ASSISTANT TONY RUSSO. ARRANGEMENTS WERE MADE BY SA RING TO ESCORT THE AG FROM THE WALDORF ASTORIA TO THE ASTOR, AND BACK, HOWEVER AT EIGHT THIRTY P. M., RUSSO ADVISED THAT THE AG WAS TO BE TAKEN TO THE ASTOR BY MEMBERS OF THE REPUBLICAN NATIONAL COMMITTEE. MR. BROWNELL RETURNED TO WASHINGTON WITH PRESIDENTIAL PARTY LEAVING WITH PRESIDENT EISENHOWER-S PARTY AT ELEVEN THIRTY P. M., TO RETURN TO WASHINGTON VIA PENN RR.

BOARDMAN

END

311 AM OK FBI WA ELR

M

SE-36 62-18585-72

RECORDED - 71

63 MAY 27 1953

MAY 14 1953

ORIG REC

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

April 23, 1953

Mr. Tolson:

While Warren Burger was in my office late this afternoon, he was complaining about the difficulties of getting things done. He stated that so far he has gotten rid of fourteen individuals in his Division and has a long way to go. He further commented on the adverse publicity growing out of the attempted removal of the Director of the Bureau of Standards. He stated he told the Attorney General that what they should do is to fire one person a day and then within a short period of time there would be so many that people would forget.

He further stated that he has come to the conclusion he will not read the Washington newspapers, but instead will depend on Midwest papers for the news. He was pretty irked at the Star editorial yesterday and he saw no justification for it.

I told him that the thing that worried me was the statement reputing that the Loyalty Program failed because it sought to impose thought control. Burger at once stated that no such statement was made. I then read him the sentence from the speech wherein it refers to the Loyalty Program as having "sought to probe the employee's mind to establish subjectively a narrow test of the employee's loyalty." I told Burger what worried me was the fact that the Washington Post, ADA, Communist Party and the left wing elements have been crusading against the Bureau on the basis that it was a thought-control agency, and that the Loyalty Program engaged in thought control and that I was fearful that the "enemy" would pick up the Attorney General's statement and attempt to prove their point; that the Director has time after time stated that the FBI does not investigate ideas but acts. We do not judge a man for what he thinks but for what he does.

Burger stated he knows what was in the mind of the Attorney General but that he stated it very poorly, and what the Attorney General meant was that some of the agencies refused to face facts but sought to subjectively seek what was in an individual's mind. I told him that even so, there was a giving of aid and comfort to the enemy.

Respectfully,

RECORDED - 2
INDEXED - 2

L. B. Nichols

62-98585-73

78 MAY 28 1953

LBN:arm

May 8, 1953

RECORDED-108 62-98585-74

Honorable Herbert Brownell, Jr.
The Attorney General
United States Department of Justice
Washington, D. C.

G.I.R.-5

My dear Mr. Brownell:

I was very pleased to receive your letter of April 28, 1953, advising me that you will address the graduating class of the FBI National Academy on Friday, June 12.

Pursuant to your request, there is enclosed a draft of remarks which might be incorporated in your speech.

If you wish anything further along these lines, please let me know.

With expressions of my highest esteem and best regards,

Respectfully,

MAILED 16
MAY 11 1953
COMM-FBI

Enclosure

2 cc's Mr. Clegg

JSR:AVH/MP

78 JUN 17 1953

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Tele. Rm.
Holloman
Gandy

May 8, 1953

SUGGESTED REMARKS

by

HONORABLE HERBERT BROWNELL, JR.,
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE THE GRADUATION EXERCISES OF
THE FBI NATIONAL ACADEMY, 51st SESSION,
10:30 A.M., FRIDAY, JUNE 12, 1953.

I am glad to have this opportunity to address this Fifty-first graduating class of the FBI National Academy. I have been sensitively aware, over the years, of the tremendous impact of this institution upon professional training in law enforcement.

You gentlemen, who come from the hamlets and the cities of our nation, have had opened to you new vistas through which may be seen the high peaks of service and accomplishment in the law enforcement field.

There is a special stamp upon you, as you go forth across the nation from these exercises - a stamp which enrolls you with the more than 2,600 other officers from this Academy who have reached the zenith of their professional training under FBI Director Hoover and his many able assistants.

Today we stand on the threshold of the second half of the twentieth century - a time of despondency, discord,

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

A. V. Hart:mfo

destruction and despair. The world in which we live is hostile and we have many enemies, both at home and abroad. I need not remind any American of the enemy abroad - the adherents of a godless creed, the believers in man as a mere machine of flesh and bone and blood, an animal to be worked and abused, the destroyers of the things in which we Americans believe and for which many have lain down their lives in our country's battles from Bunker Hill and Concord to the Marne, the beaches of Normandy and the blood-soaked Korean hills. The treacherous, vicious and unprincipled nations which deny God, hate "all us capitalists" and think their brand of Heaven is situated somewhere in the empire of the Russian Bear, are the enemy.

There is a Red enemy at home - but he is not the only threat to the security of our homes, the sanctity of our lives and the safety of our women and children. There is another threat - the criminal army, banded together as a strong phalanx marching across our land, striking whom they will. Our purses, our homes, our families, our very lives are at their mercy. Between the citizen and this hideous array of robbers, murderers, rapists, thieves and their ilk there stands but a thin line of dedicated men - you, National Academy men, and your brothers in law enforcement who carry on the fight against the criminal horde, sacrificing the comforts and leisure of ordinary men, often sacrificing your

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Tracy
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Mohr
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Sizoo
Miss Gandy

very lives in the stand against lawlessness.

The criminal army is everywhere, and the toll which it exacts from the people of America is enormous. To our shame, it must be said that it is a young army. FBI statistics on crime, collected from more than 5,700 law enforcement agencies throughout the United States, indicate that 48 per cent of those arrested in 1952 for crimes against property were under 21 years of age. Nearly 8 per cent of those arrested for all types of crime were 17 years old or younger.

Almost as shocking are the details of the victories won by the criminal horde, the tribute exacted from America in terms of death and of dollars. There were an estimated 7,210 murders and non-negligent killings in the United States last year. Over 1,200,000 larcenies were committed and more than 215,000 automobiles were stolen in 1952. Reports from 383 of our cities reflect loot of more than $225,000,000 exacted in those cities alone in robberies, burglaries, larcenies and automobile thefts.

This is the enemy and these are his victories. As he stalks across America we must meet him and we must win the battle.

In the great Academy from which you graduate today you have been taught to abhor this enemy and you have been infused with the glowing ideal of service to your fellowman. There have been constantly before you the principles upon which your lives as law enforcement officers must be based if you

are not to sink to the venomous level of those criminals whom you seek to defeat - the principles of rugged honesty, no matter what the cost, and of meticulous regard for the rights of all your fellow citizens, even those who have joined the criminal enemy.

These are the principles which guide you as you prepare to return to your duties. You have the tools with which to carry on those duties - intelligence, training, laboratory science and plain hard work. One thing more is necessary, gentlemen, and only you can obtain it. That one thing is the cooperation of your fellow law enforcement officers, whether they be Federal, state or local officers. Cooperation is the key-note to complete success - it is the catalyst which generates the reaction of successful police work. Without it, the law enforcement officer is merely a single and uncoordinated element; with it, he is part of a successful combination, he is on the winning team. And never for one moment forget that this fight is one which must be won.

You have lived and studied hard together for many weeks. You have chatted in the halls and worked together during your firearms training and practical case work on the Quantico ranges. You have achieved the good fellowship and the knowledge of each others' capabilities upon which cooperation is based. Foster this, cherish it. And when you go back

to your own departments, endeavor to build this spirit in your own communities and districts.

The law enforcement officer's task has always been a difficult one, beset with dangers and often besmirched by the filthy hand of venal politics. Criticism has been rife, often unjustified. And there has been, because of claimed failures of law enforcement, a recurring temptation in many places to try to move law enforcement responsibilities from the local level to higher and more remote planes of government.

At first glance the law enforcement officer may find this an alluring prospect. Yet brief reflection will convince him, I am sure, that our democratic concept of local responsibility for local matters should not be readily abandoned. This concept is a cornerstone of our American traditions - when our forefathers first drew upon the great canvas of American life the figures of those who stood for independence of our colonies, and when they drew the scenes at Bunker Hill and Concord, they were illustrating for all time this basic ideal. Let us not be swayed by the siren song of those who see in nationalization of enforcement or in high level consolidation of power and authority the answer to every problem. Rather let us forestall them by our cooperative efforts.

The FBI National Academy stands as a pledge of cooperation from the FBI to every American law enforcement officer.

When this great institution was founded almost eighteen years ago training programs were nonexistent in many areas. Rivalry and competition often existed between officers of various departments at the expense of good law enforcement. Through the Academy and the thousands of law enforcement training schools in which the FBI is privileged to participate every year throughout the United States there have been made available the techniques and "know how" which are basic to good law enforcement. More than that, cooperation has been made a fact by the work of this fine organization. Cherish this fact, nurture it, cultivate it into the flowering ideal of a democratic law enforcement system covering our nation with a protective shield against the common enemy.

There are millions of Americans today who do not concern themselves with crime. They are perhaps confident that this enemy is adequately suppressed by their law enforcement agencies and they do not seem to feel a responsibility for assisting in the enforcement of the law - the crime which does not directly injure them is "someone else's problem."

The law enforcement officer has an opportunity to change this attitude and enlist the resources of the American community in his battle. I have no doubt that with diligence, each one of you who graduate today will be successful in

generating the proper spirit and feeling of responsibility amongst the citizens of your own communities. It can be done.

The FBI's "Ten Most Wanted Fugitives" program shows us one method of accomplishing this. It mobilizes the interest of our private citizens, the facilities of the media of public information, including the press, radio and television, and the forces of law enforcement throughout the country.

This program was popularized in March, 1950, when there were published on a nationwide basis a series of syndicated stories, photographs and descriptions of the ten criminals whose apprehensions were most wanted by the FBI. Since the inception of this program, 42 of the "Ten Most Wanted Fugitives" listed by the FBI have been apprehended. Significantly, in eighteen of these cases the apprehensions can be directly attributed to observant citizens who recognized the wanted men from photographs and descriptive data publicized through the program. I have heard Director Hoover discuss this program several times as an illustration of cooperation in public service on the part of the press and alert citizens and I proudly join Mr. Hoover in extending my high commendation to the press for this fine service.

I would point to another problem, that of idealism and service in a public career. I never knew an honest public

official who devoted his life to public service whose wealth was measured in terms of material things. In fact, more often than not, dedicated public servants find it difficult to provide the bare essentials for their families. But they do have a satisfaction which money and physical goods cannot buy. It is this type of public servant who gives credence and support to our American way and invites, more than does any other single factor, improvement of public services.

The scandal of low wages paid American law enforcement must some day be corrected. It will be corrected when honest men through accievement demonstrate their value. I can think of no more potent ally in an assault on these conditions than the American press, whose sense of public service I have already commended. A militant press in any community could do much to help by focusing the spotlight on an attitude which is "Penny Wise and Pound Foolish" and could correct very shortly the sub-standard wages too often paid American officers of peace. This is one sure way to fight corruption since honest men whose efforts are properly compensated are not readily tempted.

As you return to your homes, my parting word to you is this: the civil rights of all our citizens rest in your hands. You have a sacred trust and your responsibility is heavy. Accept that responsibility, assume its burden, for upon you and your efforts rest the safety, the dignity and the integrity of our citizens, their families and their homes. May God be with you.

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

Office of the Attorney General
Washington, D.C.

April 28, 1953

Mr. Tolson	
Mr. Ladd	
Mr. Nichols	
Mr. Belmont	
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Gearty	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Mr. Sizoo	
Miss Gandy	

Honorable J. Edgar Hoover
Federal Bureau of Investigation
Washington 25, D. C.

Dear Edgar:

I am greatly honored to receive the invitation to address the graduating class of the FBI National Academy on Friday, June 12, and accept with pleasure.

It would be very much appreciated if you would have one of your assistants prepare a memorandum covering matters which would be of interest to the graduating class, which I might incorporate in my speech.

Sincerely yours,

Herbert Brownell, Jr.

62-98585-74

RECORDED-108

EXPEDITE PROCESSING

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director

DATE: May 29, 1953

FROM : F. C. Holloman

SUBJECT: NAME CHECKS FOR DEPARTMENT

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

[redacted] in the Department, transmitted the attached list of names to be checked in the Bureau's files, these individuals having requested the Attorney General's autograph or photograph.

Records Section advised no derogatory information appears in Bureau files on these individuals; however, it is noted that in a report dated January 28, 1952, at Albuquerque, in the case entitled, [redacted] was.; Security Matter - C," which is presently a pending case, the name of [redacted] appears as [redacted] A Security Index Card, which is maintained on [redacted] reflects her residence at [redacted] It is not known whether the [redacted] referred to in the attached list, is identical with [redacted] father or brother. Copy of report dated 1-28-52, as well as report dated 4-24-53, sent to the Department.

[redacted] was advised of the above information.

b6
b7C

Attachment
arm

RECORDED - 103
INDEXED - 103

62-98585-75

EX-123

13 JUN 2 1953

85
63 JUN 15 1953

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO [redacted]

FROM [redacted]

DATE: 5-27-53

b6
b7C

SUBJECT: Name checks

May we please have a name check on the following:

Martin Dembitzer
545 East 3rd, St.,
Brooklyn 18, New York

Thomas K. Boyce
1306 John Jay Hall
Columbia University
New York 27, New York

George W. Branscomb
County Recorder
County of Stark
Canton 2, Onio

[redacted]

Thank you

ENCLOSURE

4-22

Subj: [redacted]

Address: _____

Birthdate: _____ SUPV: b6 b7C

Misc: _____

R# 779 Date 5/27 Searcher Initial LJG

	FILE NUMBER	SERIAL
NI	9-2768	
NI	17-1497-4	
NI	100-135-42-64	
NI	101-1096-8	
NI	100-21262-2, 8 NI	
L	100-259080-1	
	[redacted]	
NI	100-21262-7 NI, NI	
L	101-259080-33 L	
NI	101-3177-40	
	[redacted]	
NI	25-262200	
NI	100-21262-7	
NI	121-6728-7, 10 L	
NI	25-99360-6	
NI	62-59088-3	
NI	62-24612-1, 20 NI	

4-22

Subj: Dembitzer, Morton

Address: _____

Birthdate: _____ SUPV: _____

Misc: _____

R# 835 Date 5/27 Searcher Initial JDG

FILE NUMBER		SERIAL
	M.	
NY	15-12128-1	

4-22

Subj: Brantcomb, George W

Address: _____

Birthdate: _____ SUPV: _____

Misc: _____

R# 835 Date 5/27 Searcher Initial LJ9

FILE NUMBER	SERIAL
NY 62-68348-1	
George	
NO 65-35707-3	

Subj: Bayne, Thomas K.

Address: _____

Birthdate: _____ SUPV: _____

Misc: _____

R# 885 Date 5/27 Searcher Initial Lcg

	FILE NUMBER	SERIAL
NF	94-4-39-10110,	1224
NF	62-12188-3441	
	Thomas	
NF	60-1501-2955 X,	3065, 3114X
NF	62 43111-15,	14X,
NF	62-75147-11-	64 Encl p55
NF	88-283-1	
NF	60-1501-3202,	3877
NF	100-9516-11-7;	66 Encl, p 38
NF	62-60527-2648	Encl p 93
NF	100-135-11-270	
NF	7-1820-2785	
NF	121-4-44611	
NF	65-19235-21	
NF	100-335923-2	

4-47

FEDERAL BUREAU OF INVESTIGATION
RECORDS SECTION
FILING UNIT

ROOM ______________, 195__

TO:

___Mr. Tolson
___Mr. Ladd
___Mr. H.H. Clegg
___Mr. Harbo
___Mr. Glavin
___Mr. Nichols
___Mr. Rosen
___Mr. Tracy
___Mr. Tamm, Q.
___Mr. __________

___Mr. Trotter
___Mr. Eames
___Mr. Short
___Mr. Medler
___Mr. Linton
___Mr. Marshall
___Mr. O'Connell
___Mr. Cleaver
___Mr. Oliver
___Mr. Runaldue
___Mr. Seyfarth
___Mr. __________

___Service Research Desk
___Classifying Unit
___Consolidation Unit
___Division
___File Review and Research Unit
___General Index
___Mr. Given
___Numbering Unit
___Personnel Files
___Recording Unit
_✓_Routing
___Service Unit

___Enclosure Desk
___Miss. Encl. Desk
___Publication Files
___Mr. Lawrence
___Mrs. Kohl
___Miss Cornett
___M__________

___Block
___Circle Subj.
___Corner #
___Cross Ref.
___Detached
___Encl. Stamp
___Exp. Processing
___Handle

___Index
___Initial
___Main Card
___Number
___Record
___Route
___See Card

Shouldn't this have some notation?

Does not need any routing per Mr. [illegible]

CHECKERS BB

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director

DATE: May 22, 1953

FROM : F. C. Holloman

Herbert Brownell

SUBJECT: NAME CHECKS FOR DEPARTMENT

G.I.R.-5

b6
b7C

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

[redacted] in the Department, transmitted the attached list of names to be checked in the Bureau's files, these individuals having requested the Attorney General's autograph or photograph.

Records Section advised no derogatory information appeared in Bureau files on these names. On [redacted], it was not possible to identify this individual in Bureau files. [redacted] has been so advised.

Attachment
eff

ENCL.

RECORDED - 103

INDEXED - 103

EX-123

File eff

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO [redacted]

FROM

DATE: 5-21-53

SUBJECT: Name checks

b6
b7C

May we please have a name check on the following names:

John W. Lusk ND
Executive Editor
Press Photo Service
Bettye Building
3858 South Parkway
Chicago 15, Ill.

Mrs William D. Townsend ND
124 North Wood Drive
Timonium, Maryland

William J. Farrisee ND
14 Stonehenge Lane
Albany, New York

Edward Orio ND
128 Brown St.,
West Haven 16, Connecticut

Jack Whittington ND
R.F.D. 3
Harpers Ferry, West Va.

[redacted]

Please check Photo Service ND

Tnanks

ENCLOSURE

Sub [redacted]

Address: _____

Birthdate: _____ SUPV: _____

Misc: _____

R# 325 Date 5-21 Searcher Initial 8-28

	FILE NUMBER [redacted]	SERIAL
		cont'd
NR	121-36932	
NI	121-4-414222	
L	100-369853-1-19	
NI	61-7341-6-57 p 19	
NI	61-915-7-6	
NI	61-7546-212 p 20 ~~30~~	
NI	62-1485-4-219	
NI	100-394027-2	
NI	97-2912-567	
NI	97-2598-99	
NI	97-587-2	
NI	100-84690-14	
NI	100-7219-76	NI
L	100-346566-18 p 50; 220	
NI	100-3-6-949 p 57, 69	

Sub [redacted]

Address: _____ b6

Birthdate: _____ SUPV: _____ b7C

Misc: _____

R# 86 Date 5/5/ Searcher Initial JS

(3)

FILE NUMBER	SERIAL
[redacted]	
	One Doc (46)
NI	31-29416 MF
NI	31-41624 MF
NI	52-30680
NI	31-24326
NI	52-20954
NI	42-8543
NI	26-45583 MF
NI	46-8816-16414?
NI	42-4813-9
NI	81-12-3139
NI	80-607-1647
NI	58-1294.4
NI	81-68-4437 NI
NI	76-16664-1

Sub [redacted] 22

Address: _____ b6

Birthdate: _____ SUPV: _____ b7C

Misc: _____

R# 86 Date 6/1 Searcher Initial LS

FILE NUMBER SERIAL

[redacted]

NT 26-116023-1

NR 29-15790-29

NI 26-45583-3 MF

NI 9-3748-1

NR 26-16253 MF 4

NI 42-4813-27 NF

NF 15-533-332

NK 88-295-19

NT 100-39216-25

7-2248-MF 1636 1566, 1535 NI NI

NR 26-6625 MF 5

NF 94-4-39-1844

NI 52-31110-6

NI 15-35557-35-162

NI 65-44483-1293

4-22

Subj: Lusk, John W.

Address: Exec. Editor, Press Photo Service

Birthdate: 3858 S. Parkway, Chicago 15, Ill.

Misc:

R# 703 Date 5/3/ Searcher Initial S3

	FILE NUMBER	SERIAL
	John W.	
NI	46-5916-1	
NI	46-0-253	
	John	
NR	116-0246930	
NI	7/-2443 —	One collection 144 p.73
NI	100-211543-2	
NI	100-168846-1	
NI	79-21081-2	
NI	31-54237-22 MF	
NR	62-21578-110814	
NI	65-15188-20	
NI	100-90219-4	
NI	98-24305-3	
NI	98-8830-22, NI S3	

4-22

Subj: Lusk, John W.

Address: 10

Birthdate: _____ SUPV: _____

Misc: _____

R# _____ Date 5/5/ Searcher Initial DS

	FILE NUMBER	SERIAL
	J. W.	
NJ	71-430	

4-22

Subj: Press Photo Service

Address: Bellyn Building
3854 D. Pacific Ave Chicago 15 Ill

Birthdate: _____ SUPV: _____

Misc: _____

R# _____ Date 5/3/ Searcher Initial LB

	FILE NUMBER	SERIAL
	Press Photo Service	
ND	65-32839-2	2B39
	Press Photo Service Inc.	
ND	94-8-1616	

4-22

Subj: Townsend, Mrs William D.

Address: 124 North Wood Drive

Birthdate: Unknown SUPP: D.

Misc: _____

R# 703 Date 3/3/ Searcher Initial

	FILE NUMBER	SERIAL
	Mrs William D.	
	MR.	
	Mrs William	
NI	100-337155-1	
NI	KJ-681-6	
NI	100-336573-1	
NI	77-52199-53	
	Mrs W. D.	
	Mrs	

4-22

Subj: Janisee William J.

Address: 14 Stonehenge Lane

Birthdate: Albany, N.Y. SUBV:

Misc:

R# 263 Date 5/21 Searcher Initials JJ

	FILE NUMBER	SERIAL
	William J.	
ND	100-46-54-30	Enc p 6
	W.J.	
ND	116-25,708	-5-

4-22

Subj: Jack Whittington

Address: R.F.D. 5 - 3

Birthdate: Harpers SUPV: Terry

Misc: Hunt. Va.

R# 263 Date 5/21 Searcher Initial 3

	FILE NUMBER	SERIAL
	Jack	
NI	26-6111160	
NI	26-170185	
NI	96-3246-13/2	NI
NI	65-3885-1	
	Jack J. (Build up)	
NI	94-6-1-7-225990	

b6
b7C

Subj: [redacted]

Addre

Birth

Misc:

Searcher

R# 86 Date 5-21 Initial 8-21-

375

(6)

	FILE NUMBER	SERIAL
L	65-748-1012	
NI	65-8946-5-591 p.19	
NI	61-7537-1	
NI	61-75-67-17	
NI	100-116552-1	
NI	65-4279-195-X	
NI	65-22496-3	
L	100-172956-144	
NI	100-25-7199-33	
L	100-339008-213	
NI	100-62018-1165 p.330	
L	100-35-3703-162 p.358	
L	100-377485-7	

Subj: [redacted]

Address: [redacted] b6

Birthdate: [redacted] SUPV: [redacted] b7C

Misc: [redacted]

R# 86 Date 5/2 Searcher Initial [redacted]

325

FILE NUMBER SERIAL

(4)

R.M. NR

NR 100-57357-35.48 & 15

[redacted]

The

4-22

Subj: [redacted]

Address: _____

Birthdate: _____ SUPV: _____ b6 b7C

Misc: _____

R# 375 Date 5-21 Searcher Initial 8-21

	FILE NUMBER	SERIAL
NI	100-3-6-624	NI 626 NI 673
	NI 738, NI 5-5, NI 82, 135, NI 219, NI 220, NI 329	
NI	100-3-6-163	NI 166 p.s-3, 21
NI	100-8272-15	NI 17
NI	100-209888-3	
NI	100-326-6-3	
NI	100-120818-285	
NI	100-178948-1	
NI	100-319048-1	
NI	100-334892-1	
NI	100-3-6-606	
NI	62-68476-10	
NI	14-574-1	NI 3
NI	100-3-4-3847	NI 4294, NI 4334
	NI 5959, NI 5-702 p 840, NI 1986, NI 3051	
NI	100-347492-2	

Sub [redacted]

Address: [redacted]

Birthdate: SUPV: [redacted]

Mi [redacted]

R# Date 5-21 Searcher Initial 5-25

FILE NUMBER SERIA b6 b7C

[redacted]

NR	116 - 296798	
NI	62 - 215-70	
NI	65 - 44483 - 1187, NI 1202, NI 1150	
NR	62 - 26225 - 35-979	
NI	100 - 334892-1	
	[redacted]	
NR	67 - 193003	
NR	67 - 45-8467	
NI	100 - 143639	
NR	116 - 65-502 -	
NI	100 - 149-569	
NI	25 - 84969	
NR	121 - 7521 -	
NI	116 - 256220	

4-22

Subj: [redacted]

Address: [redacted]

Birthdate: _____ SUPV: [redacted] b6 b7C

Misc: _____

R# 375 Date 5-21 Searcher Initial [redacted]

	FILE NUMBER	SERIAL
NI	100-3-6-15-26 p 30	
NI	100-326-6-5 p 24, 4 NI p 22	
NI	100-3-65-715	
NI	100-112833-56	
NI	100-218829-2	
NI	100-38110-8	
NI	40-47048-2	
NI	98-17186-2	
NI	121-15-67-9	
NI	121-7434-11	
NI	100-56894-95	
NI	100-57357-48, 35 NI	
NI	100-84498-30	
NI	100-19005-6-1	
NI	100-23835-9-10	
NI	100-30405-5-8	

4-22

Subj: Edward Orio

Address: 128 Brown St.

Birthdate: _____ SUPV: _____

Misc: West Haven 16, Conn.

R# 963 Date 5/21 Searcher Initial JS

	FILE NUMBER	SERIAL
	Eddie van	
NO	62-12188-889X	
	Eduardo van	
NI	65-31845-48, 5-2 NI	

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: May 18, 1953

FROM : L. B. NICHOLS

SUBJECT: HERBERT BROWNELL

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Miss Gandy

For record purposes, I told SAC Boardman, NYC, that hereafter whenever the New York Office was instructed to meet the Attorney General, they should always meet the Attorney General with a chauffeur accompanied by a good substantial Agent such as Tom Ring, unless the New York Office is specifically instructed to the contrary.

Hereafter, this procedure will be followed whenever the Attorney General is met regardless of the section of the country.

I do think there should be some missionary work done with the Attorney General's Office to keep us posted of any changes.

CIR-5

LBN:FML

cc - Mr. Holloman

1. I had thought this was always done.

2. Someone should see Mr. McCabe & arrange to have us notified of any change in plans.

RECORDED - 63 162-98585-77

18 JUN 1 1953

CRIM. REC.

copy-cm

10:50

June 3, 1953

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. NICHOLS
MR. BELMONT

HERBERT BROWNELL

The Attorney General called me today and inquired whether I had heard of Director of Prisons Bennett's visit to Sing Sing and I told him that I had as it had been headlined in the New York papers this morning. I stated Judge Irving Kaufman spoke to us about it as he was very much concerned. I stated his father-in-law had a very serious threat bytelephone last night to the effect that they were going to kill the Judge's two boys and his wife before the execution of the Rosenbergs. Judge Kaufman tried to get the New York Police to furnish protection but could not get hold of Commissioner Monaghan or Inspector Rothengast and in desperation he had called us and I stated I now have agents assigned to be with the family for twentyfour hours a day until the execution is consummated. In conversation with our Agents in the New York Office this morning, the Judge did mention Mr. Bennett's visit to Sing Sing and stated he thought the publicity was most unfortunate. I stated Mr. Rogers called me earlier this morning about U.S. Attorney Lumbard's desire to bring Greenglass to New York and I had told Mr. Rogers that my reaction was absolutely advserse to it as I thought the more we could play this down the better off we were going to be.

I stated I had ascertained that Greenglass was at Lewisburg Penitentiary and it would be very simple for us to send a Agent down, or Mr. Lumbard or an assistan could go down and get the information from Greenglass inside of a couple of hours.

The Attorney General stated that all things considered, he thought it was all right to have the publicity on Mr. Bennett's trip to Sing Sing, although the Attorney General did not know about it, as there is quite a widespread feeling that the Rosenbergs never have been given a chance and it might be good over-all.

I stated Block went to Sing Sing this morning and called a press conference and has promised tomake a very startling announcement. I stated Block had previously given the press a telegram to Block from the Rosenbergs concerningMr. Bennett's visit, telling

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042

162-985-85
NOT RECORDED
86 JUN 8 1953

86-1820 CV

79 JUN 9 - 1953

65-58236-

ORIGINAL FILED IN

that they had been coerced by Mr. Bennett, etc. I stated we checked with the Warden at Sing Sing, who was present during the interview and there was nothing improper said and no promises of any kind made, but of course, the Rosenbergs were playing it up for propaganda purposes.

The Attorney General said he had a talk with the President about it this morning and told the President that our judgement in the Department and the basic thing to keep in mind at all times would be considered a victory of world Communism over the great United States. I stated I thought this was absolutely true; that I thought it would be seized upon right away and I thought it would lead to many more headaches because if pressure groups can accomplish anything in this particular group they will try it in every case and in every matter that would come to the White House for consideration.

The Attorney General expressed some concern that a threat might be made against his family and wondered if there was any danger. I stated that after Block makes his motion today on newly discovered evidence, which I imagined would eventually be denied, he would then, of course, file for commutation of the sentence. I stated I thought at that time we ought to take some steps to see that the Attorney General's family is thoroughly protected and when the time approached I would take care of this. The Attorney General thanked me.

Very truly yours,

John Edgar Hoover
Director

JEH:mpd

11:29

June 3, 1953

MEMORANDUM FOR MR. TOLSON
Herbert O'Brien Brownell
MR. LADD
MR. NICHOLS

While talking to the Attorney General today on another matter, I mentioned in connection with our discussion the other day, about the Attorney General's membership on the National Security Council, I had already contacted the heads of the various intelligence services on the Committee of which I was Chairman and all of them felt that he, the Attorney General, should be a permanent member of the National Security Council. I stated I had talked to Mr. Tom Donegan and Donegan said he was going to take it up at their meeting on Tuesday. I stated we had ours this afternoon and we hoped to have the necessary recommendations, which we would, of course, in turn, transmit to Mr. James S. Lay, Jr. who is head of the Council, and we would, of course, send copies to the Attorney General. I stated he might want to at least mention it informally to the President. I stated I understood there was some opposition to it as Mr. Patrick Coyne was not in favor of it. I stated Admiral Hope and General Carroll said they had never thought about it but their reaction was that it would seem elemental that the chief law officer ought to be on that Council at all times, or his representative in his absence. I stated it might be necessary to have the law amended as I doubted it could be done by Executive Order, as I thought the Council was set up by legislation. The Attorney General suggested I have someone check with Mr. J. Lee Rankin. I stated I would have this done this morning and a memorandum prepared this afternoon.

Very truly yours,

John Edgar Hoover
Director

62-91585-78
JUN 3 1953
130

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Holloman
Sizoo
Miss Gandy

JEH:mpd

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9 JUN 10 1953

SENT FROM D. C.
TIME 2:45
DATE 6-4-53
BY

UNRECORDED COPY FILED IN 62-91585-78

June 8, 1953

K2-1

Honorable Herbert Brownell, Jr.
The Attorney General
U. S. Department of Justice
Washington, D. C.

G.I.R.-6

Dear General:

I was very pleased to learn of the degree being conferred upon you today by the University of Nebraska.

You must indeed be very gratified to receive this high honor from your alma mater, and I want to take this opportunity to extend my heartiest congratulations.

With expressions of my highest esteem and best regards,

Sincerely,
Edgar

NOTE: Salutation and complimentary closing per Reading Room.

62-98585-79

RECORDED-45

JUN 12 1953

MLL:mms 61

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Miss Gandy

MAILED 8
JUN 9 - 1953
COMM-FBI

DEP. ATTY. GEN. OF JUSTICE
DIRECTOR

Star 6/7

Brownell to Receive Degree at Nebraska

By the Associated Press

LINCOLN, Nebr., June 6.—An honorary doctor of laws degree will be conferred by the University of Nebraska Monday on Attorney General Brownell, a graduate of the school.

Mr. Brownell will be the commencement speaker. Approximately 890 seniors and graduate students will receive regular degrees.

Oral (referred) left to Brownell 6-8-53 mll

The Sunday Star
6-7-53

62-77855-77

mll (4)

June 4, 1953

Honorable Herbert Brownell, Jr.
The Attorney General
U. S. Department of Justice
Washington, D. C.

Dear General:

I listened to the informal discussion of current governmental problems held by President Eisenhower, you and other members of the Cabinet which was televised last evening from the White House.

The program was very enjoyable, and I want you to know how much I appreciate the commendatory remarks you made during this program concerning the FBI. It is a pleasure working with you on the numerous problems we are currently facing.

With kind personal regards,

Sincerely yours,

Edgar

RECORDED-57 62-92585-80

JUN 5 1953

130

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Sizoo
Miss Gandy

MAILED 2
JUN 4 1953
COMM-FBI

U.S. DEPT. OF JUSTICE
DIRECTOR

copy-cm

2:14

June 15, 1953

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

Herbert

Attorney General Brownell called to advise that the court had refused to stay the execution of the Rosenbergs. I told the Attorney General that I believed we should arrange to have someone stay with him and his family between now and the execution date. He stated that some of the children were presently in New York and I commented that I doubted any demonstration or action would be taken against them in New York but I felt there might be against the family here in the District of Columbia. The Attorney General stated he believed the ones in New York could be ignored but that Mrs. Brownell and Jimmy were here. I stated we would arrange to take care of the house here and the Attorney General wondered whether Mrs. Brownell should be advised and I told him she should be. He commented that she was arriving in Washington on the 3:05 plane so he would probably not get in touch with her until she got out to the house. The Attorney General was advised that we would have agents out there within the next hour and they would probably contact Mrs. Brownell and make whatever arrangements are necessary. The Attorney General expressed his appreciation.

Very truly yours,

John Edgar Hoover
Director

86-1840 cv

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/25/86 3042 pvt/SAR

162-98585 - V
NOT RECORDED
80 JUN 17 1953

CC - mr. Holloman

JEH:EH

ORIGINAL FILED IN

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director

DATE: May 20, 1953

FROM : J. A. Sizoo

b6
b7C

SUBJECT: NAME CHECKS FOR DEPARTMENT

Herbert O Brownell Jr. . .

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

[redacted] in the Department, transmitted the attached list of names for checking in the Bureau's files, such individuals having requested the Attorney General's autograph and/or photograph.

Records Section advises nothing derogatory on Gordon or Pollaci.

Regarding the National Republic Publishing Company, no investigation has been conducted by the Bureau. It was created during World War I as a means of furnishing information on subversive organizations to newspapers, schools, civic organizations and other groups. Several complaints have been received by the Bureau concerning the salesmen of this organization representing themselves to be affiliated with government organizations. Upon investigation, these allegations were found to be baseless. According to the letterhead of the organization, its purported aim is "to carry on the fight against all radical movements aimed at the destruction of our constitutional form of government and its institutions. . . the safeguarding of the American institutions depends upon a reliably informed public."

[redacted] was advised in substance of the above and her attention was directed to Bureau memorandum fof the Attorney General, dated May 17, 1949, which furnished a summary of information in Bureau files on the National Republic Publishing Company.

Attachment
eff

RECORDED-86 62-98585-81

MAY 26 1953

INDEXED-86

62

78 JUN 22 1953

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO

FROM

DATE: 5-19-53

SUBJECT: Name checks

b6
b7C

May we please have a name check on the following:

Sam Gordon, Jr.
123 E. Sixth St.,
Claremont, California

National Republic Publishing Co.
511 Eleventh St.,
Washington 4, D. C.

Edward H. Pollaci, Jr.,
108-19 103rd Ave.,
Richmond Hill 19, L. I. N.Y.

Thank you

4-22

Subj: Sam Gordon

Address:

Birthdate: SUPV:

Misc:

R# 135 Date 5/19 Searcher Initial S-32

	FILE NUMBER	SERIALS
NI	36-1718	
NI	36-1878	
NI	49-5740	
NI	88-254	
NI	26-132598	
NI	5-2-27755	
NI	87-5601	
NI	100-24595	
NI	100-398717	
NI	Lee R Vail P. 26 & NI 488 NI 493	
NI	Lee R W. Stuck #1 P. 18 & NI 189	
	Sees limited to Cal.	
NI	100-350716-490	
NI	65-57913-405 NI 5312 NI 37	
NI	100-361801-14 NI 367	
NI	62-91933-615 Pt. 10 Encl P. 348	

4-22

Subj: Sam Bardon

Address:

Birthdate: SUPV:

Misc:

R# 135 Date 5/19 Searcher Initial SJ2

	FILE NUMBER	SERIAL
NI	100-99898-140	p. 36
NI	91-5535-50	50, p. 48
NI	105-33716-315	p. 60
	S.	
NI	100-56400	
NI	100-68623	
NI	65-38096-8	
NI	100-203581-3231	
NI	31-8002 8-1	
NI	100-373345-1	
NI	100-15252-41 Encl	
	p. 158.	

4-22

Subj: Sam Gardon

Address:

Birthdate: SUPV:

Misc:

R# 135 Date 5/19 Searcher Initial 5-32

	FILE NUMBER	SERIALS
NI	100-211590	
NI	100-339107	
NI	100-135359	
NI	100-453653	
NI	123-6748	
NI	121-19036	
NI	25-299501	
NI	25-85648	
NI	25-107351	
NI	25-122227	
NI	40-607	
NI	[redacted]	
NI	87-5601	
NI	15-17119	
NI	73-8097	
NI	32-17336	

b2
b7D

4-22

Subj: Sam Sardan

Address: _____

Birthdate: _____ SUPV: _____

Misc: _____

R# (135) Date 5/19 Searcher Initial S-32

FILE NUMBER		SERIAL
NI	61-777-854	P. 1, 42
NI	61-755-9-10257X	P.K.S
NI	62-533353-50	
NI	62-75147-26-79	P. 8.
NI	98-14267-4	
NI	100-3-25-1411	P. 844
NI	100-361801-12	
NI	116-125-4-3-5	NY
NY	105-15461-26, 18	
NI	58-1901-46	
NI	91-55-35-4486	
NI	87-5601-66	
NI	87-12399-35	
NI	65-57913-536	P. 16, 17.
NI	71-3411-1	
NI	65-57913-367	P. 23, 30.

4-22

Subj: National Republic

Address: Publishing Co

Birthdate: _____ SUPV: _____

Misc: _____

R# (86) Date 5/ Searcher Initial 5-32

	FILE NUMBER	SERIAL
	Printed & ord by HQ	
L	94-3-4 sub 501	
L	100-7254-641	
ND	56-975-40 X, Encl P.15	
L	94-3-4-501-51 X1	
I	61-7559-6 3 4 5	
L	94-3-4-501-159 (Salem 5-12-44)	
I	47-20539-9	
	National Republic Organization	
I	47-13125	
I	47-22372-3	
ND	100-3-25-575	
I	47-34496-1	
I	100-530-15 Encl P. 21	
L	94-3-4-501-164	

4-22

Subj: National Republic

Address: Publishing Co.

Birthdate: _____ SUPV: _____

Misc: _____

R# 186 Date 5/19 Searcher Initial S-32

FILE NUMBER	SERIAL
National Republic Publication Co.	
L	94-3-4-501-8790
National Republic Publishers and Printers	
L	94-1-1654-88

4-22

Subj: Pollack, Edward A. Jr.

Address:

Birthdate: SUPV:

Misc:

R# 86 Date 5/19 Searcher Initial 86

FILE NUMBER	SERIAL
NO 94-6-9337	
Pollack, Dec (Yes.)	
NY 100-0-7970	

June 12, 1953

Honorable Herbert Brownell, Jr.
The Attorney General
United States Department of Justice
Washington, D. C.

G.I.R.-5

My dear Mr. Brownell:

It was a distinct honor and pleasure to have you address the Fifty-first Session of the FBI National Academy graduation exercises this morning. I thought your address was excellent, and I know that the entire audience shared my views. The members of the graduating class, their families and friends, as well as all the other persons in attendance this morning, will long remember with great pleasure your splendid talk.

I appreciate very much your taking time from your very heavy schedule to be with us at the graduation ceremonies.

With assurances of my highest regards,

Sincerely yours,

Edgar

JSR:rgw

62 98585 82

RECORDED - 116

JUN 16 1953

130

MAILED 2
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Pennington
Gandy

JUN 23 1953

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RECEIVED - DIRECTOR
U.S. DEPT. OF JUSTICE
JUN 12 12 40 PM '53

STANDARD FORM NO. 64

Office Memorandum • UNITED GOVERNMENT

Mr. Tolson
Mr. Ladd
Mr. Nichols
Mr. Belmont
Mr. Clegg
Mr. Glavin
Mr. Harbo
Mr. Rosen
Mr. Tracy
Mr. Gearty
Mr. Mohr
Mr. Winterrowd
Tele. Room
Mr. Holloman
Mr. Sizoo
Miss Gandy

TO : Director, FBI

DATE: June 16, 1953

FROM : SAC, WFO

SUBJECT: PROTECTION FOR ATTORNEY GENERAL HERBERT BROWNELL

Re Bureau phone call June 15, 1953, from Assistant Director BELMONT.

In accordance with Bureau instructions, arrangements were made immediately on the afternoon of June 15, 1953, for Agents to afford protection to Attorney General HERBERT BROWNELL and members of his family presently in Washington, D. C. The Attorney General resides at 4355 Forest Lane, N. W., Washington, D. C., telephone EMerson 2-5892.

Special Agents JOSEPH M. O'CONNOR and ERNEST McRAE are assigned to the Attorney General and will remain with him at all times. While the Attorney General is at his office, one Agent will remain in an office adjoining his, and the other Agent will be on duty near the private elevator of the Attorney General on the first floor of the Justice Building at 10th Street and Constitution Avenue.

Two Agents are on duty at the BROWNELL home from 7:00 A.M. until 7:00 P.M.; two additional Agents handle this assignment from 7:00 P.M. until 7:00 A.M.

Two Agents are available to accompany Mrs. BROWNELL whenever she leaves the home, and similar arrangements are in effect for Agents to accompany JAMES BROWNELL, aged ten, son of the Attorney General. Three other children of the family are presently in New York, and no definite arrangements have been made for their return to this city.

The Bureau will be promptly advised of any matters of importance in connection with this assignment.

62-98585-83

RECORDED - 16

JUN 18 1953

RBH:MCP

55

5 - Agents

PERS. FILES

STANDARD FORM NO. 64

Office Memorandum • UNITED GOVERNMENT

TO : MR. BELMONT

DATE: June 16, 1953

FROM : MR. HENNRICH

SUBJECT: PROTECTION FOR ATTORNEY GENERAL BROWNELL

Tolson
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Holloman
Sizoo
Miss Gandy

SAC Hood called at 6:00 p.m. today. He advised that in connection with the protection being afforded to the Attorney General and his family here in Washington, that everything had gone smoothly up to date and there had been no incidents.

ACTION:

For your information.

CEH:mar

RECORDED - 87

62-98585-84

78 JUN 25 1953

June 16, 1953

Honorable Herbert Brownell, Jr.
The Attorney General
U. S. Department of Justice
Washington, D. C.

Dear General:

There are enclosed copies of photographs taken during and after the graduation exercises of the FBI National Academy on June 12, 1953, which I thought you might like to have.

With expressions of my highest esteem and best regards,

Sincerely,

Edgar

RECORDED - 85 62-98585-85

Enclosures (5)

NOTE: Letter of appreciation sent June 12, 1953.

JTM:pa:mad

Tolson
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Miss Gandy

MAILED 16
JUN 16 1953
COMM-FBI

JUN 29 1953

172

RECEIVED - DIRECTOR
U.S. DEPT. OF JUSTICE
JUN 15 7 45 PM '53

REMARKS

BY

HONORABLE HERBERT BROWNELL, JR.

ATTORNEY GENERAL OF THE UNITED STATES

Before

THE GRADUATION EXERCISES

Of

THE FBI NATIONAL ACADEMY

51st Session

Friday, June 12, 1953

10:30 A.M.

62-98585-

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50 JUN 24 1953 61

I am glad to have this opportunity to address this Fifty-first graduating class of the FBI National Academy. I have been sensitively aware, over the years, of the tremendous impact of this institution upon professional training in law enforcement.

You gentlemen, who come from the hamlets and the cities of our nation, have had opened to you new vistas through which may be seen the high peaks of service and accomplishment in the law enforcement field.

There is a special stamp upon you, as you go forth across the nation from these exercises - a stamp which enrolls you with the more than 2,600 other officers from this Academy who have reached the zenith of their professional training under FBI Director Hoover and his many able assistants.

In the 29 years since Mr. Hoover became Director of the Bureau, the FBI has become the most respected arm of our government. The same day I was selected by President Eisenhower as Attorney General, I asked Mr. Hoover to remain as Director. Since taking office, I have come to know this great American well and my appreciation of his ability and integrity is even greater.

For years, much of the investigative work of the FBI gathered dust after the files were sent to the legal divisions of the Department of Justice for evaluation. We are now making certain that this fine work is not wasted. We are giving the FBI backing by a follow-through which is going to give the Nation the high performance of enforcement of Federal laws to which it is entitled and deserves.

Today we stand on the threshold of the second half of the twentieth century - a time of despondency, discord, destruction and

despair. The world in which we live is hostile and we have many enemies, both at home and abroad. I need not remind any American of the enemy abroad - the adherents of a godless creed, the believers in man as a mere machine of flesh and bone and blood, an animal to be worked and abused, the destroyers of the things in which we Americans believe and for which many have lain down their lives in our country's battles from Bunker Hill and Concord to the Marne, the beaches of Normandy and the blood-soaked Korean hills. The treacherous, vicious and unprincipled nations which deny God, hate "all us capitalists" and think their brand of Heaven is situated somewhere in the empire of the Russian Bear, are the enemy.

There is a Red enemy at home - but he is not the only threat to the security of our homes, the sanctity of our lives and the safety of our women and children. There is another threat - the criminal army, banded together as a strong phalanx marching across our land, striking whom they will. Our purses, our homes, our families, our very lives are at their mercy. Between the citizen and this hideous array of robbers, murderers, rapists, thieves and their ilk there stands but a thin line of dedicated men - you, National Academy men, and your brothers in law enforcement who carry on the fight against the criminal horde, sacrificing the comforts and leisure of ordinary men, often sacrificing your very lives in the stand against lawlessness.

The criminal army is everywhere, and the toll which it exacts from the people of America is enormous. To our shame, it must be said that it is a young army. FBI statistics on crime, collected from more than 5,700 law enforcement agencies throughout the United States, indicate

that 48 per cent of those arrested in 1952 for crimes against property were under 21 years of age. Nearly 8 per cent of those arrested for all types of crime were 17 years old or younger.

Almost as shocking are the details of the victories won by the criminal horde, the tribute exacted from America in terms of death and of dollars. There were an estimated 7,210 murders and non-negligent killings in the United States last year. Over 1,200,000 larcenies were committed and more than 215,000 automobiles were stolen in 1952. Reports from 383 of our cities reflect loot of more than $225,000,000 exacted in those cities alone in robberies, burglaries, larcenies and automobile thefts.

This is the enemy and these are his victories. As he stalks across America we must meet him and we must win the battle.

In the great Academy from which you graduate today you have been taught to abhor this enemy and you have been infused with the glowing ideal of service to your fellowman. There have been constantly before you the principles upon which your lives as law enforcement officers must be based if you are not to sink to the venomous level of those criminals whom you seek to defeat - the principles of rugged honesty, no matter what the cost, and of meticulous regard for the rights of all your fellow citizens, even those who have joined the criminal enemy.

These are the principles which guide you as you prepare to return to your duties. You have the tools with which to carry on those duties - intelligence, training, laboratory science and plain hard work. One thing more is necessary, gentlemen, and only you can obtain it. That one thing is the cooperation of your fellow law enforcement officers,

whether they be Federal, state or local officers. Cooperation is the key-note to complete success - it is the catalyst which generates the reaction of successful police work. Without it, the law enforcement officer is merely a single and uncoordinated element; with it, he is part of a successful combination, he is on the winning team. And never for one moment forget that this fight is one which must be won.

You have lived and studied hard together for many weeks. You have chatted in the halls and worked together during your firearms training and practical case work on the Quantico ranges. You have achieved the good fellowship and the knowledge of each others' capabilities upon which cooperation is based. Foster this, cherish it. And when you go back to your own departments, endeavor to build this spirit in your own communities and districts.

The law enforcement officer's task has always been a difficult one, beset with dangers and often besmirched by the filthy hand of venal politics. Criticism has been rife, often unjustified. And there has been, because of claimed failures of law enforcement, a recurring temptation in many places to try to move law enforcement responsibilities from the local level to higher and more remote planes of government.

At first glance the law enforcement officer may find this an alluring prospect. Yet brief reflection will convince him, I am sure, that our democratic concept of local responsibility for local matters should not be readily abandoned. This concept is a cornerstone of our American traditions - when our forefathers first drew upon the great canvas of American life the figures of those who stood for independence of our colonies, and when they drew the scenes at Bunker Hill and Concord,

they were illustrating for all time this basic ideal. Let us not be swayed by the siren song of those who see in nationalization of enforcement or in high level consolidation of power and authority the answer to every problem. Rather let us forestall them by our cooperative efforts.

The FBI National Academy stands as a pledge of cooperation from the FBI to every American law enforcement officer. When this great institution was founded almost eighteen years ago training programs were nonexistent in many areas. Rivalry and competition often existed between officers of various departments at the expense of good law enforcement. Through the Academy and the thousands of law enforcement training schools in which the FBI is privileged to participate every year throughout the United States there have been made available the techniques and "know how" which are basic to good law enforcement. More than that, cooperation has been made a fact by the work of this fine organization. Cherish this fact, nurture it, cultivate it into the flowering ideal of a democratic law enforcement system covering our nation with a protective shield against the common enemy.

There are millions of Americans today who do not concern themselves with crime. They are perhaps confident that this enemy is adequately suppressed by their law enforcement agencies and they do not seem to feel a responsibility for assisting in the enforcement of the law - the crime which does not directly injure them is "someone else's problem."

The law enforcement officer has an opportunity to change this attitude and enlist the resources of the American community in his battle. I have no doubt that with diligence, each one of you who graduates today will be successful in generating the proper spirit and feeling of

responsibility amongst the citizens of your own communities. It can be done.

The FBI's "Ten Most Wanted Fugitives" program shows us one method of accomplishing this. It mobilizes the interest of our private citizens, the facilities of the media of public information, including the press, radio and television, and the forces of law enforcement throughout the country.

This program was popularized in March, 1950, when there were published on a nationwide basis a series of syndicated stories, photographs and descriptions of the ten criminals whose apprehensions were most wanted by the FBI. Since the inception of this program, 42 of the "Ten Most Wanted Fugitives" listed by the FBI have been apprehended. Significantly, in eighteen of these cases the apprehensions can be directly attributed to observant citizens who recognized the wanted men from photographs and descriptive data publicized through the program. I have heard Director Hoover discuss this program several times as an illustration of cooperation in public service on the part of the press and alert citizens and I proudly join Mr. Hoover in extending my high commendation to the press for this fine service.

I would point to another problem, that of idealism and service in a public career. I never knew an honest public official who devoted his life to public service whose wealth was measured in terms of material things. In fact, more often than not, dedicated public servants find it difficult to provide the bare essentials for their families. But they do have a satisfaction which money and physical goods cannot buy. It is this type of public servant who gives credence and support to our American way and invites, more

than does any other single factor, improvement of public services.

The scandal of low wages paid American law enforcement must some day be corrected. It will be corrected when honest men through achievement demonstrate their value. I can think of no more potent ally in an assault on these conditions than the American press, whose sense of public service I have already commended. A militant press in any community could do much to help by focusing the spotlight on an attitude which is "Penny Wise and Pound Foolish" and could correct very shortly the sub-standard wages too often paid American officers of peace. This is one sure way to fight corruption since honest men whose efforts are properly compensated are not readily tempted.

As you return to your homes, my parting word to you is this: the civil rights of all our citizens rest in your hands. You have a sacred trust and your responsibility is heavy. Accept that responsibility, assume its burden, for upon you and your efforts rest the safety, the dignity and the integrity of our citizens, their families and their homes. May God be with you.

From
THE ATTORNEY GENERAL
to
Official indicated below by check mark

Solicitor General	
Deputy Attorney General	
Executive Assistant to the Attorney General	
Assistant Attorney General, Anti-Trust	
Assistant Attorney General, Tax	
Assistant Attorney General, Claims	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal	
Assistant Attorney General, Exec. Adjudications	
Administrative Assistant Attorney General	
Accounts Branch	
Records Administration Branch	
Procurement Section	
Director, FBI	✓
Director of Prisons	
Director, Office of Alien Property	
Commissioner, Immigration and Naturalization	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Librarian	
Director of Public Information	
Miss McCarthy	
Mr. Kelly	
Mr. Russo	
Mrs. White	
Mrs. Burke	
Mrs. Willingham	
Mrs. Hessom	
Miss Russen	

MEMORANDUM

Mr. Tolson
Mr. Ladd
Mr. Nichols
Mr. Belmont
Mr. Clegg
Mr. Glavin
Mr. Harbo
Mr. Tracy
Mr. Gearty
Mr. Mohr
Mr. Winterrowd
Tele. Room
Mr. Holloman
Mr. Sizoo
Miss Gandy

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: June 16, 1953

FROM : MR. C. E. HENNRICH

SUBJECT: PROTECTION OF ATTORNEY GENERAL HERBERT BROWNELL
(Rosenberg Case)

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Winterrowd
Tele. Rm.
Holloman
Gandy

As you know, Special Agents Joseph O'Connor and Ernest McRae have been assigned by the WFO to protect the Attorney General, and they will be available during the day while the Attorney General is in the Justice Building. One Agent will remain in space immediately adjacent to the Attorney General's office and can be reached, in emergencies, through Justice telephone extension 19. The other Agent will remain in a room adjacent to the Attorney General's private elevator on the first floor. The telephone there is Justice extension 740. The guard station which is just outside this room, where the building guard is located, is Justice telephone extension 254.

ACTION:

For your information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042 /sut

CEH:LL 86-1840 CV

RECORDED-216

62-98585-86

JUN 16 1953

56 JUN 30 1953

ENCLOSURE

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